

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

Plaintiff,

Criminal Action  
No. 99-10371-DJC

V.

June 18, 2013

JAMES J. BULGER,

Defendant.

TRANSCRIPT OF TESTIMONY OF JOHN MARTORANO

JURY TRIAL DAY 5

BEFORE THE HONORABLE DENISE J. CASPER

UNITED STATES DISTRICT COURT

JOHN J. MOAKLEY U.S. COURTHOUSE

1 COURTHOUSE WAY

BOSTON, MA 02210

DEBRA M. JOYCE, RMR, CRR  
VALERIE A. O'HARA, RMR, CRR  
Official Court Reporters  
John J. Moakley U.S. Courthouse  
1 Courthouse Way, Room 5204  
Boston, MA 02210  
617-737-4410

1 APPEARANCES:

2 FOR THE GOVERNMENT:

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P R O C E E D I N G S

(The following proceedings were held in open court before the Honorable Denise J. Casper, United States District Judge, United States District Court, District of Massachusetts, at the John J. Moakley United States Courthouse, 1 Courthouse Way, Boston, Massachusetts, on June 18, 2013.)

\* \* \* \* \*

JOHN MARTORANO, having been previously duly sworn by the Clerk, was further examined and testified as follows:

09:05 10 CONTINUED DIRECT EXAMINATION

11 BY MR. WYSHAK:

12 Q. Mr. Martorano, good morning.

13 A. Good morning.

14 Q. When we broke yesterday, we were talking about this  
15 individual, John Connolly?

16 A. Yes.

17 Q. Do you remember those questions?

18 Did he have a nickname?

19 A. Yes, "Zip."

09:05 20 Q. And who used that nickname, "Zip"?

21 A. "Whitey."

22 Q. You also testified yesterday that Mr. Bulger was godfather  
23 to your youngest son?

24 A. Correct.

25 MR. WYSHAK: May I approach, your Honor?

1 THE COURT: You may.

2 BY MR. WYSHAK:

3 Q. If I could show you a photograph that's been marked  
4 Government Exhibit 83.

5 Do you recognize the persons depicted in the  
6 photograph?

7 A. Yes.

8 Q. And who are they?

9 A. It's "Whitey" and my son.

09:06 10 MR. WYSHAK: I offer it, your Honor.

11 THE COURT: Any objection?

12 MR. BRENNAN: None, thank you.

13 THE COURT: It may be admitted.

14 (Exhibit 83 received into evidence.)

15 MR. WYSHAK: May we publish it, your Honor?

16 THE COURT: You may.

17 BY MR. WYSHAK:

18 Q. Do you know where this photo was taken?

19 A. Somewhere in Boston.

09:06 20 Q. Do you know what the event was?

21 A. His christening.

22 Q. Okay.

23 Did you know a man named Eddie Connors?

24 A. Yes.

25 Q. And was he the man that you previously testified about who

1 owned a bar?

2 A. Yes.

3 Q. And where was the bar located?

4 A. In Dorchester.

5 Q. Did you testify he had some involvement in the homicide of  
6 this fellow, O'Toole?

7 A. Yes.

8 Q. And what was his involvement in that?

9 A. He reported to us, to Winter Hill, that O'Toole was  
09:07 10 hanging around his bar, drinking heavy, and talking about  
11 retaliation.

12 Q. Did he do anything else in connection with the murder of  
13 James O'Toole?

14 A. He was going to tell us when he come in.

15 Q. And did he do that?

16 A. Yes.

17 Q. Did there come a time when you received information about  
18 Mr. Connors that disturbed you and other members of the Winter  
19 Hill Gang?

09:07 20 A. Yes.

21 Q. And what was that information?

22 A. That Eddie Connors was talking about, bragging about how  
23 he set up O'Toole.

24 Q. Okay.

25 And as a result of learning that information, did you

1 have a meeting with other members of Winter Hill?

2 MR. BRENNAN: Your Honor, I'd object to the leading.

3 MR. WYSHAK: I'll withdraw it and rephrase.

4 THE COURT: You may rephrase.

5 BY MR. WYSHAK:

6 Q. What did you do after learning that information?

7 A. We had a meeting and we talked about what we should do  
8 about it.

9 Q. When you say "we," who do you mean?

09:08 10 A. Winter Hill.

11 Q. Okay.

12 MR. WYSHAK: At this time, I'd like to, if I could,  
13 your Honor, show the witness the chart that's been admitted in  
14 evidence, I think it's 96.

15 THE COURT: You may.

16 BY MR. WYSHAK:

17 Q. Showing you what's been admitted into evidence as Exhibit  
18 96 -- can the Court see it?

19 THE COURT: I have it on the screen, counsel.

09:09 20 MR. WYSHAK: Oh, okay.

21 BY MR. WYSHAK:

22 Q. Who are those people, Mr. Martorano?

23 A. That's the leaders of the Winter Hill.

24 Q. Those are the six partners?

25 A. Yes.

1 Q. And can you tell us how you went about making decisions  
2 about what to do regarding Winter Hill's business?

3 A. The six of us would discuss it and make a decision.

4 Q. Was it a democracy, so to speak?

5 A. So to speak, yeah.

6 Q. Was there anybody who was perceived as the boss?

7 A. Not really.

8 Q. So when you discussed what to do about Eddie Connors, did  
9 the six of you engage in that discussion?

09:10 10 A. Yes.

11 Q. What did you decide to do?

12 A. We decided to shoot him.

13 Q. Can you tell us how you went about doing that?

14 A. Well, "Whitey" devised a plan to go to South Boston and  
15 for us to -- or this is a different one.

16 We arranged a phone call from -- Eddie Connors to give  
17 us a phone number again and a time to call.

18 Q. Okay.

19 And how did you arrange that?

09:10 20 A. Somebody got in touch with Eddie and told him that Howie  
21 wanted to speak to him, and give us a number and a time he'd be  
22 there.

23 Q. Okay.

24 And did you receive the telephone number?

25 A. Yes.

1 Q. And what did you do regarding that telephone number?

2 A. Same thing I did with the other phone.

3 Q. And you were able to locate that phone?

4 A. We were able to locate the address, yeah.

5 Q. Do you recall where it was?

6 A. It was in Dorchester, off -- in -- it was at a gas station  
7 up there.

8 Q. Okay.

9 And at the time that the phone call was supposed to be  
09:11 10 made, what did you do?

11 A. I went over to Southie and I went in the main car this  
12 time with "Whitey" and Stevie Flemmi.

13 Q. And what were you -- what was your role?

14 A. I was driving at the time.

15 Q. And was there a plan regarding what Mr. Flemmi and  
16 Mr. Bulger would do?

17 A. Yeah. After we found out where the address was, they were  
18 going to go -- he was in a phone booth, and they took him out  
19 in the phone booth.

09:11 20 Q. Okay.

21 So they were going to be the shooters on this one?

22 A. Yes.

23 Q. Were they armed?

24 A. Yes.

25 Q. Did you drive to the location of the phone booth?



1 A. Yes.

2 Q. What happened at that location?

3 A. Then I let them out, they went up the hill and walked to  
4 the phone booth and shot Eddie.

5 Q. Did there come a time when they returned to the vehicle?

6 A. Yeah, I heard the shots, and then they come a back few  
7 minutes or a few seconds later.

8 Q. And what was said when they returned to the vehicle?

9 A. "He's gone."

09:12 10 Q. Did you actually see the shooting?

11 A. No, it was way up to over the hill.

12 Q. Did you drive the vehicle away?

13 A. A little bit, a few yards away. "Whitey" wanted me -- he  
14 wanted to drive, so I got out, let him drive. He knew the area  
15 better.

16 Q. All right.

17 Now --

18 MR. WYSHAK: May I approach the witness, your Honor?

19 THE COURT: You may.

09:13 20 BY MR. WYSHAK:

21 Q. I'd like to show you what's been marked Government Exhibit  
22 94 for identification.

23 Do you recognize that chart?

24 A. Yes.

25 Q. And what is it?

1 A. It's a chart of Winter Hill and associates.

2 Q. Okay.

3 Is it a fair and accurate depiction of people who were  
4 part of Winter Hill and their associates during this time  
5 period, 1975?

6 A. Yes.

7 MR. WYSHAK: I offer the chart at this time, your  
8 Honor.

9 THE COURT: Any objection?

09:13 10 MR. BRENNAN: No, your Honor.

11 THE COURT: It may be admitted.

12 Was this 94, counsel?

13 MR. WYSHAK: Yes, your Honor.

14 (Exhibit 94 received into evidence.)

15 MR. WYSHAK: Can we publish it on the screen, your  
16 Honor?

17 THE COURT: You may.

18 BY MR. WYSHAK:

19 Q. Starting with the top row across, Mr. Martorano, could you  
09:14 20 tell us who those individuals are?

21 A. "Whitey" Bulger, Stevie Flemmi, myself, George Kaufman a  
22 little lower, Howard Winter, Joe McDonald, and Jimmy Sims.

23 THE COURT: Mr. Martorano, I'm going to ask you to  
24 move the microphone a little closer so we can hear you.

25 Counsel?

1 BY MR. WYSHAK:

2 Q. Who was that individual, George Kaufman? What was his  
3 role?

4 A. Just like I said, communications, he worked between  
5 everybody.

6 Q. Okay.

7 And on the far left, that row of individuals, who were  
8 they?

9 A. That was the South Boston gang.

09:15 10 Q. And what was their association with Mr. Bulger?

11 A. They were partners with him in crime, and one of them was  
12 a bookmaker that I know.

13 Q. Okay.

14 The next row of people there under Mr. Bulger.

15 A. Those were associates or bookmakers of "Whitey's." I  
16 didn't know them.

17 Q. Did you know of them?

18 A. I knew of them. I don't think I ever met them, but it's  
19 possible.

09:15 20 Q. All right.

21 And the next row?

22 A. Those were associates of Stevie Flemmi.

23 Q. Okay.

24 And the next group of individuals.

25 A. They were bookmakers that I worked with.

1 Q. Okay.

2 Can you identify those people?

3 A. Yeah, from top to bottom, Charlie Raso, Tommy Ryan, Dick  
4 O'Brien, Joe Yerardi.

5 Q. And the next row down?

6 A. That was my brother and John Callahan.

7 Q. Okay.

8 Now, who was John Callahan?

9 A. John Callahan was -- he was a Boston guy. He was the, I  
09:16 10 guess, the ex-president of World Jai Alai in Miami, and a  
11 friend of my brother's at the time.

12 Q. Approximately when did you meet him?

13 A. The mid '70s.

14 Q. Did you become friends with him at some point?

15 A. Yes.

16 Q. And directing your attention to the time you told us you  
17 became a fugitive, was he helpful to you during that period?

18 A. Yes, he was.

19 Q. And how was he helpful?

09:16 20 A. Well, he'd help me when I was in Miami, the Miami area.

21 Q. How?

22 A. He would bring money back and forth sometimes, he would --  
23 he let me have his car, access to his car and an apartment if I  
24 needed them.

25 Q. He had an apartment in Florida?

1 A. Yeah, he had a condo in Plantation.

2 Q. And he maintained a car there?

3 A. Yes.

4 Q. And you had access to those?

5 A. Yes.

6 MR. WYSHAK: Can we put up the next row down?

7 Q. Who are these three individuals?

8 A. Just associates of Somerville.

9 Q. All right.

09:17 10 The first man, Tony Ciulla, was he the fellow you told  
11 us about regarding the race fix case?

12 A. Yes, he is.

13 Q. Also the Sousa murder?

14 A. Yes.

15 Q. Who was Brian Halloran?

16 A. He was a Somerville-Charlestown guy that hung around  
17 Somerville, an associate of ours.

18 Q. And that fellow, John Hurley?

19 A. The same, the same, Charlestown-Somerville guy.

09:18 20 Q. Is he the individual you testified about who fingered  
21 Mr. Milano as Al Notarangeli?

22 A. Yeah, he's the one that made the mistake.

23 Q. And then identified Joe Notarangeli at the Pewter Pot?

24 A. Correct.

25 MR. WYSHAK: Can we have the next row down?

1 Q. Who's that fellow at the top, Sal Sperlinga?

2 A. Associate of Howie's, Somerville guy.

3 Q. Was he involved in illegal activities?

4 A. Yes, he ran the number business.

5 Q. And then that next individual, Anthony Rais?

6 A. Yes, he worked with him.

7 Q. Did he have a nickname?

8 A. "Nettie."

9 Q. Did he at some point work for you?

09:19 10 A. Yes.

11 Q. In what capacity?

12 A. He ran a bookmaking operation, sports.

13 Q. And the fellow at the bottom?

14 A. Bob Gallinaro.

15 Q. Who was he?

16 A. Associate of Howie Winter's.

17 Q. Engaged in illegal activities?

18 A. Yes, gambling.

19 MR. WYSHAK: Can we have the next two individuals?

09:19 20 Q. Who -- go ahead.

21 A. That's Joe McDonald's brother, Leo, and that's Billy,  
22 associate of Somerville.

23 Q. Billy Barnoski?

24 A. Yes.

25 Q. Was he, you told us before, Tony Ciulla's brother?

1 A. Yes.

2 Q. Was he involved in the Sousa murder?

3 A. Yes.

4 MR. WYSHAK: And the next individual.

5 Q. Do you know that individual?

6 A. Yes.

7 Q. Who was he?

8 A. Jimmy Flynn. He was an associate of Jimmy Sims.

9 MR. WYSHAK: And the last row there.

09:20 10 Q. Who's that first person on the top?

11 A. Frank Salemm.

12 Q. And you told us that Frank Salemm had been partners with  
13 Mr. Bennett and Mr. Flemmi in that Roxbury group?

14 A. Yeah, years before.

15 Q. And what was his relationship with Somerville?

16 A. He was involved in the gang war with Charlestown, also.

17 Q. At the time -- at some point in time, he becomes a  
18 fugitive?

19 A. Yes.

09:20 20 Q. That was with Mr. Flemmi?

21 A. Correct.

22 Q. And I think you told us he was captured and convicted?

23 MR. BRENNAN: Objection, your Honor.

24 THE COURT: Sustained as to form.

25 BY MR. WYSHAK:

1 Q. At some point, was he captured?

2 A. Yes, in New York.

3 Q. What happened to him after that?

4 A. He got arrested and faced the charges.

5 Q. While he was incarcerated, did he continue to have a  
6 relationship with Winter Hill?

7 A. Somewhat, yeah.

8 Q. The individual underneath him, who's that?

9 A. "Sonny" Mercurio.

09:21 10 Q. And who was "Sonny" Mercurio?

11 A. A Mafia guy.

12 Q. And what was his connection to Winter Hill?

13 A. He was like the liaison between Gerry Angiulo and Winter  
14 Hill.

15 Q. What does that mean, "liaison"?

16 A. He would bring messages back and forth.

17 Q. Did he collect money?

18 A. Yes.

19 Q. And why would he collect money?

09:22 20 A. At one point we owed Gerry Angiulo \$250,000 at a point a  
21 week.

22 Q. When you say "a point a week," that's one percent?

23 A. Correct.

24 Q. That's like 52 percent a year?

25 A. Yes.



1 Q. And why did you owe Gerry Angiulo \$250,000?

2 A. We used it for sports.

3 Q. So he loaned you the money?

4 A. Yes.

5 Q. Other than "Sonny" Mercurio, was there anybody else who  
6 acted as a liaison from Winter Hill with the Mafia?

7 A. There was another guy, I can't think of his name right  
8 now.

9 Q. Okay.

09:22 10 A. "Skinny" Kazonis.

11 Q. "Skinny" Kazonis?

12 A. Yeah.

13 Q. All right.

14 Now, one of the men on this chart is named Tommy King,  
15 is he not?

16 A. Yes.

17 Q. And he's in that far left-hand column?

18 A. Correct, on the bottom.

19 Q. You told us at some point in time there was a settlement  
09:23 20 of the gang war in South Boston?

21 A. Yes.

22 Q. And which side of that gang war was Tommy King on?

23 A. The Mullins.

24 Q. So he was on the opposite side from Mr. Bulger?

25 A. Correct.

1 Q. Did there come a time when Mr. Bulger raised issues  
2 regarding Mr. King?

3 A. Yes.

4 Q. And can you tell us what that -- what happened, what that  
5 was about?

6 A. Well, I guess him and Tommy couldn't get over the year --  
7 or over the period of time, they always were butting heads  
8 together.

9 Q. And as a result of that, did he make a request of the  
09:24 10 members of Winter Hill?

11 A. Yes.

12 Q. What was that request?

13 A. He wanted to get rid of Tommy, at one point.

14 Q. What did he say about that?

15 A. He said, Tommy's uncontrollable and he's going to kill  
16 some police detective and he's just not controllable.

17 Q. What did he ask you to do?

18 A. To kill Tommy, take him out.

19 Q. Did you want to kill Tommy King?

09:24 20 A. No.

21 Q. Was this a subject of discussion among the six of you?

22 A. Yes, eventually, yeah.

23 Q. And ultimately what did you agree to do?

24 A. To go along with Mr. Bulger's request.

25 Q. And how did you go about killing Tommy King?

1 A. Well, once we all decided that we should do this -- I'm  
2 not sure if we were all around at that time, but basically the  
3 whole group, "Whitey" come up with an idea, what he wanted to  
4 do.

5 Q. And what was his plan?

6 A. He was going to tell Tommy he needed help to kill a guy.  
7 Eddie Connors' partner, "Suitcase." So he needed -- we needed  
8 Tommy's help.

9 Q. Now, this individual, "Suitcase," did he have a last name,  
09:25 10 do you remember it?

11 A. I don't remember it.

12 Q. Fidler?

13 A. Fidler, yeah.

14 Q. Who was "Suitcase" Fidler?

15 A. He was a bookmaker. He was partners with Eddie Connors in  
16 Dorchester, and he was also a guy that used to be in the  
17 Charlestown-Somerville associations.

18 Q. So what was the ruse that you were using with Mr. King?

19 A. That he was running his mouth about Eddie Connors getting  
09:25 20 killed, saying Winter Hill did it, and that we needed Tommy to  
21 go in because he recognized everybody else.

22 Q. And did Mr. King agree to --

23 A. Yeah, he agreed. He agreed to go in, try to kill Fidler.

24 Q. And so what happened next in regard to this plan?

25 A. So myself and Howie Winters met "Whitey" on Carson Beach

1 somewhere, South Boston beach anyway, and we were in the car  
2 and Tommy came and got in the car. Tommy was wearing a  
3 bulletproof vest because he was going to walk in the bar and  
4 shoot Fidler.

5 Q. Okay.

6 So you said you were with Mr. Winter?

7 A. Yeah, I believe it was him.

8 Q. And where did you meet Mr. Winter that day?

9 A. I met him in Somerville. I drove over to South Boston  
09:26 10 with him.

11 Q. So did you and Mr. Winter drive to South Boston?

12 A. Yes.

13 Q. And when you get to -- you said it was at a beach?

14 A. Yeah, on the beach, yeah.

15 Q. Carson Beach?

16 A. Yeah.

17 Q. What happened at that location?

18 A. When we were all in the car, Stevie came to the car with a  
19 bag of guns, and "Whitey" passed them out.

09:27 20 Q. All right.

21 So you said when you "were all in the car," whose car  
22 was this?

23 A. It was a boiler, a stolen car, that "Whitey" had.

24 Q. So Mr. Bulger is in a car and you and Mr. Winter get in  
25 the car?

1 A. We got in the back seat, yeah.

2 Q. And who else got in that car?

3 A. Then Tommy got in the car.

4 Q. Where was Mr. King sitting?

5 A. Passenger seat in front.

6 Q. And then Mr. Flemmi did something?

7 A. Stevie came over to the car with a bag of guns.

8 Q. Who did he give the guns to?

9 A. "Whitey."

09:27 10 Q. And what did Mr. Bulger do with the guns?

11 A. He passed them out to the four of us.

12 Q. Was there anything special about these guns?

13 A. Tommy's had blanks in it.

14 Q. Then what happened?

15 A. Then we were supposed to drive over and shoot Fidler, and  
16 on the way, pretty much after we pulled out, I shot Tommy.

17 Q. Where did you shoot him?

18 A. Where did I shoot him?

19 Q. Yeah.

09:28 20 A. In the head.

21 Q. What happened after that?

22 A. After that, I got out of the car with Howie, and we drove  
23 back to Somerville.

24 Q. What happened to Mr. King's body?

25 A. The South Boston guys took him away and buried him.

1 Q. Did you learn afterwards where he was buried?

2 A. Yes, at some point.

3 Q. And how did that come about?

4 A. I was driving across Neponset Bridge one day and "Whitey"  
5 said, Tip your hat to Tommy.

6 Q. So you were with Mr. Bulger in a car?

7 A. At another time, yeah.

8 Q. And the Neponset Bridge, what waterway does that go over?

9 A. Neponset River.

09:29 10 Q. And what did Mr. Bulger say to you about Mr. King?

11 A. Tip your hat, Tommy's over -- to Tommy, he's over there.

12 Q. Now, did you learn that same night another individual was  
13 murdered?

14 A. Yes, another guy.

15 Q. Did you have a conversation with Mr. Bulger about that?

16 A. Yeah. It was part of his second -- plan B for that night.  
17 He was going to kill this other guy, "Buddy" Leonard, who --  
18 they were going to make it look like Tommy King killed him.

19 Q. And how were they going to make it look like Tommy King  
09:29 20 killed him?

21 A. They left him in Tommy's car.

22 Q. They left Mr. Leonard in Tommy King's car?

23 A. Yes.

24 Q. Did Mr. Bulger tell you what happened regarding  
25 Mr. Leonard?

1 A. Yeah, he told me that they shot him and left him in the  
2 car.

3 Q. Okay.

4 In addition to the people on the chart, I'd like to  
5 show you a few other pictures.

6 MR. WYSHAK: Can we put Exhibit Number 15 up on the  
7 screen?

8 Q. Do you recognize the men in that photo, Mr. Martorano?

9 A. Yeah, "Whitey" Bulger, Kenny Schiavo and -- I forget the  
09:30 10 other guy's name.

11 Q. Who was Kenny Schiavo?

12 A. He was a guy from the Somerville area. I think he was  
13 into drugs later on, but he was a bank robber earlier.

14 Q. Okay.

15 MR. WYSHAK: Put number 19 up.

16 Q. Who is that individual?

17 A. I'm not sure, it might be Joey Y.

18 Q. When you say "Joey Y.," who do you mean?

19 A. Joe Yerardi.

09:31 20 Q. Did you sometime later have a relationship with Joe  
21 Yerardi?

22 A. Yes, we became in business together.

23 MR. WYSHAK: Can we put number 22 up?

24 Q. Do you recognize that person?

25 A. Yes.

1 Q. Who's that?

2 A. Larry Ayers.

3 Q. And who was Larry Ayers?

4 A. He worked for me at Chandler's at the door, and he also  
5 was my courier to go back and forth to New York to pay and  
6 collect bills, debts or whatever we had, the gambling week.

7 MR. WYSHAK: Can we put number 23 up?

8 Q. Do you recognize the individuals in that photo?

9 A. Two of them.

09:32 10 Q. Which --

11 A. George Kaufman in the top right, Louis Belmonte on the  
12 left.

13 Q. And who was Louis Belmonte?

14 A. He used to be a pickup guy for me.

15 Q. What does that mean, a "pickup guy"?

16 A. Collect and pay money out for bookmaking.

17 Q. Okay.

18 Now, you had told us that when you were arrested in  
19 Florida in 1995, you were arrested on race fixing charges; is  
09:32 20 that correct?

21 A. Correct.

22 Q. And can you tell us what the case was about? How did you  
23 fix horse races?

24 A. There was a couple of ways, one was at the track that they  
25 would tie up the quinella, or the trifecta, if there was -- for



1 example, if there was six horses running, they would pay --  
2 Tony Ciulla would pay three of them to stay out of the money,  
3 and the other three, we would wheel.

4 Q. Okay.

5 So let's drill down on this a little bit.

6 Tony Ciulla was involved in this scheme?

7 A. Yes.

8 Q. What was his role?

9 A. He was to fix the race.

09:33 10 Q. And how could he fix a horse race?

11 A. By paying the jockeys to lose.

12 Q. And how does a jockey lose a horse race?

13 A. He pulls it.

14 Q. Pulls what?

15 A. He pulls the reins so the horse don't run fast.

16 Q. Okay.

17 And where was Mr. Ciulla paying these jockeys off?

18 A. At the track mostly.

19 Q. Where were the tracks?

09:33 20 A. They were all over.

21 Q. Massachusetts?

22 A. Massachusetts, New Jersey.

23 Q. New York?

24 A. New York.

25 Q. Any other states?

1 A. Not sure. I'm sure there was, though.

2 Q. Mainly racetracks in and outside of Massachusetts; is that  
3 fair to say?

4 A. Yes.

5 Q. Now, how do you make money by Mr. Ciulla paying off these  
6 jockeys?

7 A. Well, he would pay them to stay out of the money and he  
8 would pay the favorites, so the long shots would win, and he'd  
9 probably end up cleaning out the whole pool with a ticket.

09:34 10 Q. All right. So you -- he placed bets at the track?

11 A. Just on the quinellas and stuff like that.

12 Q. Just for us who don't understand betting on horse races,  
13 what's a quinella?

14 A. Three horses, they run together, one, two, three.

15 Q. So you'd bet on the three horses --

16 A. He would have people at windows bet the whole combination  
17 and it wouldn't miss -- whatever one came, he would hit it.

18 Q. Okay.

19 Other than betting at the track, was there any other  
09:35 20 way to make money on these fixed horse races?

21 A. Yeah, he owned some horses, Tony Ciulla with Howie, and  
22 he -- for example, one of the horses was Spread the Word, and  
23 he was a \$30,000 horse. They changed the numbers on him and  
24 put him in \$10,000 races, so he could win any time.

25 Q. Okay.

1                   And what does that mean, he's a \$30,000 horse?

2   A.   He was a lot better than a \$10,000 horse.

3   Q.   Okay.

4                   And are \$30,000 horses not allowed to run in a race  
5   with a \$10,000 horse?

6   A.   Correct.

7   Q.   And who controls that?

8   A.   I don't know, the commission, whatever it is. But they  
9   had changed the numbers, I think, the tattoo numbers under the  
09:35 10   lip.

11   Q.   Okay.

12                  So horses have, what, a number on their lip?

13   A.   Yes, they have a number.

14   Q.   So was there other paperwork connected to the horse?

15   A.   Yeah, they probably phoned some of the paperwork, too.

16   Q.   So they put a very good horse in a race with horses who --

17   A.   Inferior horses, yeah.

18   Q.   And how do you make money on that?

19   A.   Well, that was Winter Hill's part, was to bet the horses  
09:36 20   off track. We would bet the horses in New York and anywhere we  
21   could.

22   Q.   Is there a name for that kind of a horse?

23   A.   It would be a hot horse.

24   Q.   A hot horse?

25   A.   Yeah.

1 Q. Any other terminology for that kind of a horse?

2 A. Some people call it a boat race because it's going to win.

3 Q. How about -- have you heard the term "order horse"?

4 A. Be stronger than an order horse.

5 Q. What's an "order horse"?

6 A. Expected to be up there.

7 Q. So these are basically hot horses?

8 A. Yes.

9 Q. Now, what was your role in this scheme?

09:37 10 A. To bet with bookmakers.

11 Q. Did you bet with the bookmakers who were part of your  
12 organization?

13 A. No, we tried to bet with other places.

14 Q. If you bet with bookmakers who were part of your  
15 organization, what would happen?

16 A. We hit ourself.

17 Q. So you couldn't make money by betting against yourself?

18 A. No.

19 Q. So how did you find bookmakers to bet with?

09:37 20 A. We had people running around looking for independent  
21 bookmakers or people that would take the bet, and we found one  
22 in New York.

23 Q. Okay.

24 And who was the individual that you found in New York?

25 A. Found a guy named Jack Mace through Richie Castucci.

1 Q. Who was Richie Castucci?

2 A. A gambler, he was into the horses a lot and he had  
3 nightclubs and we did some business was him.

4 Q. All right.

5 So he was what was known as an "out"?

6 A. Yeah, an out for horses.

7 Q. And that's -- what does that mean, an "out"?

8 A. Somebody who could move money and put it on the horse.

9 Q. Did you make money on this scheme?

09:38 10 A. Yes.

11 Q. And who received the proceeds of this scheme?

12 A. The six guys in the chart.

13 Q. Was it split evenly?

14 A. Well, we split it with Tony Ciulla and Billy Barnoski  
15 first, and then we split it amongst ourselves.

16 Q. So were you 50/50 partners with Ciulla and Barnoski?

17 A. Yeah.

18 Q. And then the other 50 percent was shared among the six of  
19 you?

09:39 20 A. I believe that's the way it went, yeah.

21 Q. And what happened to this fellow, Tony Ciulla?

22 A. Tony Ciulla, he got arrested.

23 Q. Do you recall where he got arrested?

24 A. I'm not sure, maybe New Jersey or Pennsylvania. I'm not  
25 sure.

1 Q. And what did he get arrested for?

2 A. Fixing races.

3 Q. Did he cooperate with the authorities?

4 A. Yes.

5 Q. Did you become the target of an investigation?

6 A. Yes.

7 Q. And how many other people, other than yourself, were  
8 involved in this scheme?

9 A. Oh, there was, I don't know, 10, 15 maybe, I don't know.

09:39 10 Q. Did you try to monitor the progress of the investigation?

11 A. Yeah, we were always hearing things.

12 Q. And who were you hearing things from?

13 A. "Whitey" would hear things from his friend "Zip," and we'd  
14 hear things everywhere. People would be going to the grand  
15 jury.

16 Q. And when you say "'Whitey' would hear things from his  
17 friend 'Zip,'" you mean John Connolly?

18 A. Yes.

19 Q. All right.

09:40 20 Now, you mentioned this fellow Richard Castucci, and  
21 you mentioned that he had connected you with this individual,  
22 Jack Mace, in New York.

23 A. Yes.

24 Q. Did you start doing business with Jack Mace?

25 A. Yes.

1 Q. What kind of business?

2 A. Sports and horses.

3 Q. What kind of volume was involved?

4 A. A lot of volume, yeah, a lot of money.

5 Q. How much money?

6 A. Probably go back and forth, 100,000 either week.

7 Q. 100,000 a week?

8 A. Yeah, either way.

9 Q. When you say, "either way," what does that mean?

09:40 10 A. Well, if we owed it to him, I'd send the guy to bring it  
11 to him, because we bet sports, also.

12 Q. Okay.

13 And this guy that you would send to New York, who was  
14 that?

15 A. Larry Ayers.

16 Q. He's the individual that you earlier identified in a  
17 photograph?

18 A. Correct.

19 Q. Other than being involved in this gambling activity with  
09:41 20 Jack Mace, did you have any other relationship with Mr. Mace?

21 A. I rented an apartment one time.

22 Q. Okay.

23 And where did you rent an apartment?

24 A. I told him I needed an apartment in New York, he got me  
25 one in the Village.

1 Q. And why would you need an apartment in New York?

2 A. Well, Joe McDonald was on the lam at the time, and I was  
3 getting a place for him.

4 Q. So this was a place where Joe McDonald could hide out?

5 A. Yes.

6 Q. And how did you go about obtaining this apartment in New  
7 York?

8 A. Once he said he could get me one, I told him not to tell  
9 anybody, just it's for some friend or whatever. I never told  
09:42 10 him the exact reason for it, but I paid him \$14,000 in advance  
11 for the year so that nobody would come by knocking on the door.

12 Q. Did you pay it to Mr. Mace?

13 A. Yes.

14 Q. Cash?

15 A. Yes.

16 Q. You paid a whole year's rent up front?

17 A. Yes, it took care of the electricity, the telephone,  
18 everything.

19 Q. All right.

09:42 20 Now, you said that Richard Castucci had some  
21 relationship with this fellow, Jack Mace?

22 A. Yeah, he used to bet with him, also.

23 Q. Did you also have some financial relationship with Richard  
24 Castucci regarding Jack Mace?

25 A. Not really. Sometimes he would pay and collect for us or



1 be in the middle, make an exchange.

2 Q. When you say "make an exchange," what does that mean?

3 A. Well, we might have won, he might have lost, and we'd make  
4 the exchange instead of sending somebody to New York. We'd  
5 make a transfer with each other.

6 Q. Okay.

7 So let's give an example.

8 If you owed Jack Mace \$100,000 and Jack Mace owed  
9 Richard Castucci \$60,000 --

09:43 10 A. I would pay Richie.

11 Q. And then you would only owe Mr. Mace 40?

12 A. Right. But I try to save the trip.

13 Q. How often would that happen?

14 A. Once in a while.

15 Q. Now, you told us that at or about this time Joe McDonald  
16 was on the lam? What do you mean "on the lam"?

17 A. A fugitive.

18 Q. Was he a fugitive with anybody else?

19 A. I don't follow you.

09:44 20 Q. Well, what was he a fugitive on? Why did he run away?

21 A. He had an arrest warrant on him.

22 Q. For what?

23 A. I think it was a million-dollar stamp robbery, and some  
24 gambling stuff.

25 Q. So he had robbed a stamp dealer?

1 A. Something like that.

2 Q. Was somebody else involved with him in that robbery?

3 A. Jimmy Sims.

4 Q. Did they both run away?

5 A. Yes.

6 Q. During this period of time when he was a fugitive, were  
7 you in contact with him?

8 A. Yes.

9 Q. And how would you be in contact with him if he ran away?

09:44 10 A. Phone booths.

11 Q. Did you tell him about the apartment that you rented in  
12 Greenwich Village?

13 A. Did I tell him about it? Yeah, I gave him the keys.

14 THE COURT: Counsel, are we talking about  
15 Mr. McDonald?

16 MR. WYSHAK: Yes, I'm sorry.

17 BY MR. WYSHAK:

18 Q. Who did you give the keys to?

19 A. I think I got them to Joe somehow.

09:45 20 Q. Do you know if he was using the apartment, Mr. McDonald?

21 A. Yeah, he was.

22 Q. And did there come a time when you learned that the  
23 location of the apartment had been compromised?

24 A. Yes.

25 Q. How did you learn that?

1 A. "Whitey" came in and told us that "Zip" told him that  
2 Richard Castucci went to the FBI and told them where Joe  
3 McDonald was.

4 Q. Did that upset you?

5 A. Sure.

6 Q. And what did you decide to do about that?

7 A. Decided to take Richie out.

8 Q. Was -- did you have a meeting among --

9 A. Yeah, we all decided it.

09:45 10 Q. All right.

11 So at that time Mr. McDonald and Mr. Sims are not  
12 around; is that fair to say?

13 A. Correct.

14 Q. So when you say "we," who do you mean?

15 A. The remaining four.

16 Q. And that would be you --

17 A. Me, "Whitey," Howie, and who is the other one -- and  
18 Stevie, I guess, yeah.

19 Q. Okay.

09:46 20 And you decided to murder Mr. Castucci?

21 A. Yeah.

22 Q. How did you go about doing that?

23 A. Once we made the decision that -- I called Richie up and  
24 had him come over, told him I got some money for him that I  
25 owed Jack.

1 Q. And did he arrive at Winter Hill?

2 A. Yes.

3 Q. And where were you at that time?

4 A. In the garage.

5 Q. In Somerville?

6 A. Yes.

7 Q. And what happened when Mr. Castucci got to the garage in  
8 Somerville?

9 A. I told him I didn't have all the money together. I gave  
09:47 10 him a bag of money and said, Go down to the apartment we had  
11 down the street, count this up, and I'll give you the  
12 difference when I get there.

13 Q. Did anybody accompany Mr. Castucci?

14 A. Yeah, I told "Whitey" to take him down there.

15 Q. And what did you do?

16 A. What did I do? I waited for them to get down there and  
17 start counting the money.

18 Q. And then what happened?

19 A. Then I walked down there and shot Mr. Castucci.

09:47 20 Q. Okay.

21 So you walked into the apartment. Where was  
22 Mr. Castucci at the time?

23 A. He was sitting at the kitchen table counting the money  
24 with "Whitey."

25 Q. Was Mr. Bulger at the table, also?

1 A. Yes.

2 Q. And what did you do?

3 A. I walked around to the side of Castucci and shot him.

4 Q. Where?

5 A. In the temple, here.

6 Q. What happened after that?

7 A. After that, we had to clean it up.

8 Q. And who cleaned it up?

9 A. Stevie came in, and I think Stevie and "Whitey" cleaned it  
09:47 10 up. And then we -- Leo McDonald came over, and we had him get  
11 a sleeping bag to put Richie Castucci in the bag and then went  
12 up the street and got his car and brought his car down to the  
13 apartment.

14 Q. All right.

15 So you put Mr. Castucci in a sleeping bag?

16 A. Yeah.

17 Q. And what did you do with his body?

18 A. Put it in the trunk of his car.

19 Q. What did you do with his car?

09:48 20 A. Took it to Revere.

21 Q. And when you say -- who did that? Who took it to Revere?

22 A. Myself and a few other guys, I'm not sure.

23 Q. Okay.

24 And where in Revere? Do you remember?

25 A. Behind some apartment building.

1 Q. And what did you do with the car in Revere?

2 A. Nothing, we just left it there.

3 Q. And how did you get back to Somerville?

4 A. Somebody followed.

5 Q. Do you remember who that was?

6 A. I'm not sure, I think it was maybe Leo McDonald. It could  
7 have been any one of the guys over there.

8 MR. WYSHAK: May I have --

9 May I approach the witness, your Honor?

09:49 10 THE COURT: You may.

11 BY MR. WYSHAK:

12 Q. Mr. Martorano, I'm going to show you what's been marked  
13 for identification as Exhibit 202, 204, and 218.

14 I ask you if you recognize those -- what's depicted in  
15 those photographs?

16 A. Yes.

17 Q. And the first one, 202, what is that a photo of?

18 A. The car.

19 Q. Who's car?

09:49 20 A. Richie Castucci's car.

21 MR. WYSHAK: I offer it, your Honor.

22 THE COURT: Any objection?

23 MR. BRENNAN: Nothing, thank you.

24 THE COURT: It may be admitted and published.

25 (Exhibit 202 received into evidence.)

1 MR. WYSHAK: May we publish it?

2 THE COURT: You may.

3 BY MR. WYSHAK:

4 Q. Is that the area where you dumped the car?

5 A. Yes.

6 Q. All right.

7 That next photograph, 204, what is that a photograph  
8 of?

9 A. Richie Castucci.

09:50 10 Q. And that's after he was murdered and put in the trunk of  
11 his car?

12 A. Yes.

13 MR. WYSHAK: I offer it, your Honor.

14 THE COURT: Objection?

15 MR. BRENNAN: No, your Honor.

16 THE COURT: It may be admitted, 204, and published.

17 (Exhibit 204 received into evidence.)

18 BY MR. WYSHAK:

19 Q. That's the sleeping bag that Mr. McDonald bought?

09:50 20 A. Yes.

21 Q. And that's Leo McDonald, correct?

22 A. Yeah, I believe so, yeah.

23 Q. And that's Mr. Castucci in the trunk of his car?

24 A. Yeah.

25 Q. And finally, photo of 218. Do you recognize that photo?

1 A. Yes.

2 Q. And what is that a photo of?

3 A. Richie Castucci.

4 MR. WYSHAK: May we put it up, your Honor?

5 I offer it.

6 THE COURT: Any objection to 218?

7 MR. BRENNAN: No, your Honor.

8 THE COURT: It may be admitted and published.

9 (Exhibit 218 received into evidence.)

09:51 10 BY MR. WYSHAK:

11 Q. Is that Mr. Castucci?

12 A. Yes.

13 Q. Is that the bullet wound in the side of his head, there?

14 A. Yes.

15 Q. All right.

16 Now, is it fair to say that the murder of  
17 Mr. Castucci -- it was wintertime, right?

18 A. Yes.

19 Q. Snow on the ground. Is that approximately in December of  
09:52 20 1976?

21 A. Correct.

22 Q. Directing your attention to that next year, 1977, did you  
23 get arrested?

24 A. Yes.

25 Q. What did you get arrested for?



1 A. Gambling.

2 Q. And gambling in connection with what? What was the case?

3 That --

4 A. A case down in Plymouth County with Dick O'Brien.

5 Q. All right.

6 So it was a state prosecution?

7 A. Yes.

8 Q. For illegal gambling?

9 A. Yes.

09:52 10 Q. Was there a wiretap?

11 A. Yes.

12 Q. Were you intercepted on the wiretap?

13 A. Yes.

14 Q. Did this involve Mr. O'Brien's gambling business?

15 A. Yes.

16 Q. That he was under your umbrella, so to speak?

17 A. Yes.

18 Q. Did there come a time when you pled guilty to that case?

19 A. Yes.

09:53 20 Q. And were you incarcerated?

21 A. Yes.

22 Q. For how long?

23 A. Four months.

24 Q. Was there any other penalty?

25 A. Thirty-thousand dollar fine.

1 Q. How many other people were prosecuted in that case? Do  
2 you recall?

3 A. Six or seven.

4 Q. Was Mr. O'Brien prosecuted in that case?

5 A. Yes.

6 Q. Did you serve time together?

7 A. Yes.

8 Q. When were you released from prison on that case?

9 A. Four months after I went in.

09:53 10 Q. Was it --

11 A. I'm not sure the dates. I'm not sure.

12 Q. Shortly after that, did you learn what was happening with  
13 this race fix investigation?

14 A. Yeah, it was ongoing while we were in.

15 Q. Did you have a conversation with Mr. Bulger about that  
16 when you got out of jail?

17 A. That the case is going on and there's going to be  
18 indictments.

19 Q. What did Mr. Bulger say to you about that?

09:54 20 A. He said that "Zip" was able to keep him and Stevie out of  
21 it.

22 Q. And what would happen to you?

23 A. Get indicted.

24 Q. Were other people going to get indicted, as well?

25 A. Yeah, there was several people who got indicted.

1 Q. Did your brother, Jimmy, get indicted in that case?

2 A. Yes.

3 Q. So as a result of receiving that information from  
4 Mr. Bulger about the impending indictments in the race fix  
5 case, what did you do?

6 A. I prepared to go on the lam as a fugitive before an  
7 indictment.

8 Q. Okay.

9 And why would you leave before?

09:55 10 A. Because I'm not jumping -- not going to get bailed and  
11 jump bail.

12 Q. Did you have a conversation with Mr. Bulger about going on  
13 the lam?

14 A. Yeah, he knew I was going on the lam.

15 Q. What was the plan at that time?

16 A. At that time, we planned to go away for six months and  
17 have a vacation and come back after the trial is over, and then  
18 it would be a lot easier.

19 Q. Was anybody else part of that discussion?

09:55 20 A. Probably Stevie.

21 Q. Do you recall where Mr. Winter was at this time in late  
22 1978?

23 A. He may have been arrested by that time.

24 Q. What happened to the Winter Hill gambling business?

25 A. Just dissolved, they split it up.

1 Q. And can you explain to the members of the jury what that  
2 means? How did you split it up?

3 A. We owed X amount of dollars and we chopped it up so that  
4 it came out even.

5 Q. When you say "we owed X amount of dollars," how much money  
6 did you owe?

7 A. I think Winter Hill owed a little more than a million at  
8 the time.

9 Q. Did that include the \$250,000 to Gerry Angiulo?

09:56 10 A. Correct.

11 Q. And who did you owe a million to?

12 A. Well, there was \$500,000 owed to the old Winter Hill  
13 Group, Howie, "Whitey," and Joe; there was money owed to me,  
14 "Whitey," Stevie, and we split it up.

15 Q. So when you say --

16 A. And Gerry was owed \$250.

17 Q. Why would there be money owed to you, for example?

18 A. That I put back in, we put money into the business.

19 Q. So you would invest money in the business?

09:57 20 A. In our own business, yeah.

21 Q. Would you earn anything --

22 A. Everybody would collect a point a week on it.

23 Q. If you loaned money to the business, you'd take one  
24 percent a week back.

25 A. Correct.

1 Q. Were you able to pay off all the debts --

2 A. Some of them.

3 Q. How about the debt to Gerry Angiulo?

4 A. We absorbed it on our end, "Whitey," Stevie, and myself.

5 Q. And when you say, "Whitey," Stevie, and yourself, did you  
6 three become partners at that point?

7 A. Yes.

8 Q. What happened to Joe McDonald, Jimmy Sims, and Howie  
9 Winter?

09:57 10 A. Well, they had their own businesses before that.

11 Q. And where were they when you left for Florida?

12 A. Two were fugitives, I think, at that time, and one was in  
13 jail.

14 Q. So the only three left were you and Mr. Bulger and  
15 Mr. Flemmi?

16 A. Before I went on the lam.

17 Q. All right.

18 So, again, when you say that you and Mr. Flemmi and  
19 Mr. Bulger absorbed the debt to Gerry Angiulo, what did that  
09:58 20 mean?

21 A. That was part of our obligation, to pay that debt.

22 Q. So you still owed the money to Gerry Angiulo?

23 A. Most of it, yeah.

24 Q. And who was going to be responsible for paying that?

25 A. The three of us.

1 Q. Well, how could you be responsible if you were taking off  
2 and being on the lam?

3 A. There was still business going on.

4 Q. Did you have a conversation with Mr. Bulger and Mr. Flemmi  
5 about what to do with all these bookmakers who had worked for  
6 you?

7 A. I think they were going to switch things around.

8 Q. How?

9 A. Go to the rent business.

09:59 10 Q. And what was the "rent business"?

11 A. Charging the rent to stay in business.

12 Q. And when you use the word "rent," what does that mean?

13 A. Charging a guy so much to stay in business, extortion.

14 Q. Money.

15 A. Money.

16 Q. They had to pay money to stay in business?

17 A. Yes.

18 Q. What happened if they didn't pay?

19 A. They'd have to get out of business or they get hurt,  
09:59 20 maybe.

21 Q. Did you have a conversation with Dickie O'Brien about  
22 that?

23 A. Possibly, in jail.

24 Q. Now, when you left Boston at the end of 1978, did you  
25 leave any money here?

1 A. Yeah, there was money here, yeah.

2 Q. How much?

3 A. It could have been a couple hundred thousand, two or  
4 three, I don't know.

5 Q. Who did you leave that with?

6 A. At one time it was George Kaufman, another time it was  
7 Stevie.

8 Q. And why did you leave several hundred thousand dollars in  
9 Boston?

10:00 10 A. Because I was still running a business.

11 Q. And what kind of business were you still running?

12 A. Still running some sports.

13 Q. Gambling business?

14 A. Yeah. This is later on, yeah.

15 Q. What else was that money used for --

16 A. I used it for shylock business.

17 Q. Anything else?

18 A. Not that I remember.

19 Q. Did you give money to your family?

10:00 20 A. Oh, yeah.

21 Q. And how did you do that?

22 A. Every week George would take money to them all.

23 Q. When you say "George," you mean George Kaufman?

24 A. Yeah.

25 Q. So you still continued to run a gambling business. Who

1 handled the day-to-day settle-ups and --

2 A. At different times it was different people. I had  
3 different pick-up guys in different offices. Over the years it  
4 was different.

5 Q. Do you remember who any of those individuals were?

6 A. Well, I basically tried to do most of it through Joey  
7 Yerardi, that was later on, but I did some with "Nettie" Rais  
8 and his partner, Nicky Montalto.

9 Q. Nick Montalto?

10:01 10 A. Yeah. I did some with Bob G.

11 Q. When you say "Bob G.," you mean Bob Gallinaro?

12 A. Yeah, he helped me run the business one time, he just ran  
13 it with me.

14 Q. Did you have any business with Tommy Ryan?

15 A. Tommy Ryan, I ended up loaning Tommy some money.

16 Q. When you loan a bookmaker money, do you collect interest  
17 on that loan?

18 A. Yeah, I gave it to him for a point.

19 Q. One percent? A week, correct?

10:02 20 A. Yes.

21 Q. Did you know a woman named Ellen Feldstein?

22 A. Yeah, she ran one of the businesses in the office one  
23 time.

24 Q. So how did you stay in contact with these individuals?

25 A. Pay phones, the phones.



1 Q. Who -- how did they get the money to you?

2 A. I'd have different people come into Florida. I'd have  
3 them leave it. Sometimes I'd leave it at Patty mother's house.  
4 Sometimes Stevie would -- or George would make deliveries.

5 Q. All right.

6 And when you say Stevie or George would make  
7 deliveries, how would they make deliveries?

8 A. They would just take it out of what they were holding.  
9 That was the bank.

10:02 10 Q. So when you say "that was the bank," that was the money  
11 that you left up here?

12 A. Right. And then he would add or subtract from it,  
13 depending on how I went for the week.

14 Q. When you say "he" --

15 A. Stevie, Stevie and George, both of them.

16 Q. So they basically handled your financial affairs?

17 A. Correct.

18 Q. How did you live down in Florida?

19 A. If I needed something, I'd have it sent out of there.

10:03 20 Q. How?

21 A. Well, there was different guys. Richie Shea brought money  
22 down, Patty went back and forth. Different ways, different  
23 friends came down.

24 Q. Did they ever send money in the mail?

25 A. Got money in the mail. They put it inside -- inside a

1 magazine and put it in a Federal Express.

2 Q. Cash.

3 A. Cash.

4 Q. And approximately how much cash would you receive on a  
5 monthly basis while you were on the lam in Florida?

6 A. It could be around \$10,000.

7 Q. Were you still partners with -- well, withdrawn.

8 You told us were you still partners with Flemmi and  
9 Mr. Bulger?

10:04 10 A. Yes, when I left.

11 Q. So exactly what was it that you were partners with them  
12 in?

13 A. Whatever they were doing.

14 Q. So whatever criminal activities they were doing --

15 A. Supposedly, supposed to be, yeah.

16 MR. BRENNAN: Objection, leading.

17 THE COURT: Sustained as to form.

18 But, counsel, you can rephrase.

19 BY MR. WYSHAK:

10:04 20 Q. When you say "whatever they were doing," what do you mean?

21 A. Well, if they made a score, they would send me a piece of  
22 it.

23 Q. And what's a "score"?

24 A. They could rob somebody, they could shake somebody down,  
25 you know --

1 Q. And did you learn that they were shaking people down?

2 A. Yes.

3 Q. Did you get money from these scores?

4 A. Some, yeah.

5 Q. Did you get money from the rent collection business?

6 A. Probably.

7 Q. Who kept tabs on that? How did you know you were getting  
8 it --

9 A. Just whatever I got, I accepted. I was on the lam, I was  
10:05 10 happy to get whatever it was.

11 Q. Did there come a time when you learned that they were  
12 extorting drug dealers?

13 A. Yes.

14 Q. And how did you learn that?

15 A. They told me. Stevie said that he'd send me something, I  
16 had a score coming.

17 Q. Did you talk to Stevie during this period of time when you  
18 were on the lam?

19 A. Yes.

10:05 20 Q. How?

21 A. Pay phone to pay phone.

22 Q. How would Mr. Flemmi know that you wanted to talk to him?

23 A. For a while he had a beeper, and I would leave a code in  
24 it or a number.

25 Q. You had a code you put in the beeper --

1 A. I had codes I would give him over the phone. I had beeper  
2 numbers that I would put in, and would -- different codes.

3 Q. Other than Mr. Flemmi, who did you regularly speak with  
4 back here in Boston?

5 A. My family, George Kaufman.

6 Q. Did you regularly speak with Mr. Bulger when you were on  
7 the lam?

8 A. No.

9 Q. Did you have a conversation with him about that?

10:06 10 A. A few, yeah.

11 Q. And what did he say to you about that?

12 A. Well, when I left in '78, he said, I'm not going to be on  
13 the phone much. He was one that never cared for the phone,  
14 didn't trust them. Then he said, When you are talking to  
15 Stevie, it's like talking to me. And he reiterated that in '80  
16 when I talked to him when my father died. Then he reiterated  
17 again in '82 when I saw him.

18 Q. Was that the last time you saw Mr. Bulger, in 1982?

19 A. '82, yeah.

10:07 20 Q. Now, when you were on the lam in Florida, did you use your  
21 name, John Martorano?

22 A. No.

23 Q. What names did you use?

24 A. Richard Aucoin first; Peter Connolly; Vincent Rancourt.

25 Q. Now, you told us that at some point in time you began a

1 business with Joe Yerardi?

2 A. Yes.

3 Q. What kind of business did you get involved with Joe  
4 Yerardi in?

5 A. At first I loaned him money to finance his business.

6 Q. And what kind of business was that?

7 A. Sports and some shylock.

8 Q. And how long did you continue financing his sports and  
9 shylock business?

10:07 10 A. Until I got arrested.

11 Q. In 1995?

12 A. More or less, yeah.

13 Q. At or about that time in 1995, how much had you loaned to  
14 Joe Yerardi to finance his businesses?

15 A. Approximately \$350,000.

16 Q. Now, did you learn that he had been indicted sometime  
17 prior to 1995?

18 A. Yes.

19 Q. As a result of his indictment, what did he do?

10:08 20 A. He went on the lam.

21 Q. Did he go on the lam with you?

22 A. He came to Florida. I said, If you decide, I'll help you  
23 if you get here.

24 Q. Do you recall about how many years he was in Florida with  
25 you?

1 A. I don't think he lasted a year.

2 Q. Eventually he got arrested; is that fair to say?

3 A. Yes.

4 Q. And what happened to his business after he went on the lam  
5 and then got arrested?

6 A. I don't know. Some of it I was still running. He had a  
7 piece of it.

8 Q. Did you try to salvage --

9 A. Yeah, I tried to salvage it with some kid, Arthur Gianelli  
10:09 10 was his buddy.

11 Q. Anybody else who was trying to help you collect money that  
12 was owed to Joe Yerardi?

13 A. I don't remember.

14 Q. Charlie Raso --

15 A. Yes.

16 Q. -- helped you in that period?

17 A. Yeah, he was -- he was paying and collecting the agents.  
18 It was a job.

19 Q. All right.

10:09 20 And other than earning money from the illegal  
21 businesses in Boston, did you also engage in illegal activities  
22 in Florida?

23 A. I had some customers there, probably.

24 Q. What kind of customers?

25 A. Sports, if anything.

1 Q. Were you doing some bookmaking business in Florida?

2 A. Yeah, I combined it, yeah.

3 Q. All right. Now, I want to take you back to 1980, 1981.

4 Did you learn about a man named Roger Wheeler?

5 A. Yes.

6 Q. And who was Roger Wheeler?

7 A. He was the president of Telex, I think it was, some kind  
8 of corporation in Tulsa.

9 Q. Okay.

10:10 10 Was he affiliated with any business in Florida?

11 A. Yes, he was the owner of the Jai Alai, World Jai Alai.

12 Q. And what was World Jai Alai?

13 A. Jai alai, it was a game they throw a racket around, a ball  
14 around; a Spanish game, I believe.

15 Q. Okay.

16 Did that game involve gambling?

17 A. Yes.

18 Q. How did it involve gambling?

19 A. You could go bet on the players at the frontons.

10:11 20 Q. How many frontons did World Jai Alai own in Florida? Do  
21 you know?

22 A. Two or three.

23 Q. And I think you told us before that Mr. Callahan was at  
24 one time president of World Jai Alai?

25 A. Yes.

1 Q. And what happened with him and World Jai Alai?

2 A. I guess he got fired.

3 Q. Did he have some concerns about this individual, Roger  
4 Wheeler?

5 A. Yes.

6 Q. And what was his concern?

7 A. He was concerned he was going to get arrested by him. He  
8 was having an investigation in the company. Evidently, money  
9 was missing.

10:11 10 Q. And who was conducting the investigation into the company?

11 A. Mr. Wheeler had some company, agency.

12 Q. Did Mr. Callahan have a plan to avoid getting indicted?

13 A. Yes, he was -- he had a plan.

14 Q. And what was the plan?

15 A. Originally, he was going to try to buy World Jai Alai.

16 Q. Okay.

17 And how was he going to go about doing that?

18 A. He was going to make an offer to Wheeler, I don't know,  
19 60, 80 million, I don't know how much, but he had the financing  
10:12 20 for it, and he figured that would stop the investigation.

21 Q. At or about this time, did you learn about a man named  
22 Richard Donovan, Dick Donovan?

23 A. He was the new president of Jai Alai.

24 Q. Was he associated with Mr. Callahan in any fashion?

25 A. I believe they were friends and partners in certain



1 things.

2 Q. How about a man named Paul Rico?

3 A. Head of security at World Jai Alai.

4 Q. Did you know anything else about Paul Rico at that time?

5 A. He was an ex-FBI agent.

6 Q. And did he have any relationship with members of Winter  
7 Hill?

8 A. Evidently, he had one with Stevie Flemmi.

9 Q. Anybody else?

10:13 10 A. Not that I know of.

11 Q. Did Joe McDonald know Paul Rico?

12 MR. BRENNAN: Objection. Leading, your Honor.

13 THE COURT: Sustained as to form.

14 BY MR. WYSHAK:

15 Q. Other than Mr. Flemmi, did anybody else in Winter Hill  
16 have a relationship with Mr. Rico?

17 MR. BRENNAN: Objection. Asked and answered, your  
18 Honor.

19 THE COURT: I don't know that he's answered this  
10:13 20 question.

21 I'll allow the question.

22 A. Could you repeat that?

23 Q. I said, other than Mr. Flemmi, did any other member of  
24 Winter Hill have a relationship with Mr. Rico?

25 A. Well, I knew "Buddy" McLean knew him from before that, and

1     Howie Winters knew him.

2     Q.     All right.

3             And now he was working at World Jai Alai?

4     A.     Correct.

5     Q.     So did Mr. Callahan describe to you what was happening  
6     with his attempt to purchase World Jai Alai?

7     A.     He said that Roger Wheeler refused the offer.

8     Q.     And who had made the offer?

9     A.     I'm not sure.   Him or Donovan or however it got there, it  
10:14 10     got refused.

11     Q.     And how long did this go on for, that Mr. Callahan was  
12     trying to purchase World Jai Alai?

13     A.     He was trying it for a while.

14     Q.     Did there come a point where he asked you to do something?

15     A.     Well, in the beginning he was -- when he was going to try  
16     to buy World Jai Alai, he offered myself with Winter Hill an  
17     offer to back him up, he was -- he offered us \$10,000 a week if  
18     he bought the place to back him so nobody would bother him once  
19     he got in.

10:14 20     Q.     Okay.

21             And how was he going to pay you \$10,000 a week?

22     A.     Out of the jai alai, out of the parking lot, the sale  
23     of -- what do you call those -- schedules and the vending  
24     machines and stuff in there.

25     Q.     The cash businesses?

1 A. Cash businesses in the jai alai.

2 Q. And why would he need Winter Hill to protect him?

3 A. He didn't -- he didn't think that the Mafia would bother  
4 him if we were with him.

5 Q. And taking you back to the '70s, can you describe what  
6 kind of fellow John Callahan was?

7 A. Well, he was a high-price accountant days and put on a  
8 leather jacket and wanted to hang out with the rogues at night.

9 Q. Did he have a relationship with Brian Halloran?

10:15 10 A. Yes.

11 Q. What kind of relationship?

12 A. Drinking.

13 Q. Did you ever hear the phrase, "wanna-be gangster"?

14 A. That's what he was.

15 Q. Did you discuss with Mr. Flemmi or Mr. Bulger this  
16 proposition that Mr. Callahan offered this \$10,000 a week  
17 payment if you provided protection for him?

18 A. Yes, I did.

19 Q. And who did you discuss that with?

10:16 20 MR. BRENNAN: Objection. The question was vague, I  
21 object to the answer.

22 THE COURT: The question was -- what was it,  
23 vagueness?

24 MR. BRENNAN: Did you speak to Mr. Bulger or  
25 Mr. Flemmi? And the answer was, Yes.

1 THE COURT: Okay.

2 Well, you can ask him which one he spoke with.

3 BY MR. WYSHAK:

4 Q. Who did you speak with, Mr. Martorano?

5 A. Mr. Flemmi.

6 Q. Okay.

7 And tell us what you said to him and what he said to  
8 you.

9 A. I told him about it, he thought it was good. He said he  
10:16 10 would talk to "Whitey" about it and let me know. And they were  
11 happy it was happening like that. They were hoping he had the  
12 financing and could get in.

13 Q. Did Mr. Flemmi tell you that he had spoken with Mr. Bulger  
14 about Mr. Callahan's proposition?

15 A. Yeah.

16 Q. And what did he say Mr. Bulger said?

17 A. They were on board.

18 Q. All right.

19 Now, you told us that the effort to purchase World Jai  
10:17 20 Alai by Mr. Callahan and his associates fell through; is that  
21 fair to say?

22 A. Yes, it failed.

23 Q. And at that time, did Mr. Callahan present a new  
24 proposition to you?

25 A. Yes.

1 Q. And what was that?

2 A. He offered to -- he wanted to get Mr. Wheeler killed so he  
3 wouldn't get in trouble. And I guess -- he said he discussed  
4 it with Paul Rico, that even if Roger Wheeler wasn't in the  
5 scene, that they could put the proposal to buy the place to his  
6 wife, and they thought they had a good chance of buying it.

7 Q. And what did they ask you to do?

8 A. He asked me to take out Roger Wheeler, if I would do that.

9 Q. And when you say "he," who do you mean?

10:18 10 A. Callahan.

11 Q. What was your reaction to that?

12 A. I told him I couldn't. I says, I got partners, and I  
13 couldn't. This guy is a legitimate guy, I couldn't do that  
14 without everybody else on board.

15 Q. And when you said you had to get "everybody else on  
16 board," who did you mean?

17 A. "Whitey" and Stevie.

18 Q. And did you have a conversation with Mr. Flemmi about  
19 Mr. Callahan's new proposition?

10:18 20 A. Not right then. Eventually, I guess Callahan went to  
21 Stevie and said to get back -- and had everything okayed with  
22 him, that it was all right with them if I did, and he told  
23 Callahan to have Johnny call me. I called him, and he said,  
24 We're on board.

25 Q. When you say you "called him," you mean you called

1 Mr. Flemmi.

2 A. Flemmi, again.

3 Q. That's because Mr. Callahan --

4 A. It was all Mr. Flemmi.

5 Q. Okay.

6 Mr. Callahan told you to call Mr. Flemmi?

7 A. Yes.

8 Q. And what did Mr. Flemmi tell you?

9 A. Said they were on board, whatever they could do to help,  
10:19 10 they'd help.

11 At one point, after we got into it, he says, I'll come  
12 to Oklahoma to help you if you need it. I said, I don't need  
13 it.

14 Q. And why didn't you need Mr. Flemmi's help?

15 A. Because Paul Rico had asked, also, if I would ask Joe to  
16 help, once he knew that we were going to do it.

17 Q. That's -- when you say "Joe," who do you mean?

18 A. Joe McDonald. He was in Florida at the time.

19 Q. How did you know Joe McDonald was in Florida?

10:19 20 A. I was in touch with him.

21 Q. So he was a fugitive in Florida as well --

22 A. Yes.

23 Q. -- at the same time that you were?

24 A. Yes.

25 Q. And did you contact Joe McDonald?

1 A. Yes.

2 Q. What did you ask him to do?

3 A. I told him Paul asked if he would help on this situation.  
4 He didn't know about it at first, and then I brought him up to  
5 par on the \$10,000 and all that stuff. And he said that he  
6 owed him a favor.

7 Q. He owed who a favor?

8 A. I think he owed Rico a favor.

9 Q. Do you know why?

10:20 10 A. I believe Joe intimidated -- you know, said that he had  
11 helped "Buddy" one time.

12 Q. Rico had helped "Buddy"?

13 A. Rico, so he owed because of that.

14 Q. And who was "Buddy" McLean?

15 A. He was one of the leaders of Winter Hill that got killed  
16 by the McLaughlins.

17 Q. And approximately when did that happen?

18 A. Oh, I don't know, early '60s.

19 Q. During the gang war?

10:20 20 A. During the gang war.

21 Q. All right.

22 So what steps did you take to murder Roger Wheeler?

23 A. Once everybody was on board, I worked it out with Joe,  
24 figured out how to do it.

25 The next thing, Callahan came in to me, and he had a

1 written piece of paper that Rico had wrote to him. He gave me  
2 all the descriptions, the addresses, and everything of Roger  
3 Wheeler in Oklahoma.

4 Q. Okay.

5 So when you say he gave him the addresses, what  
6 addresses did he give you?

7 A. His business, his home, his car.

8 Q. Did he give you a physical description?

9 A. Yeah, gave his height and weight, like a ruddy  
10:21 10 description, a ruddy face.

11 Q. Was there something unusual about that word, "ruddy"?

12 A. I never heard it before, except as an FBI term, I guess.

13 Q. Where did Mr. Callahan tell you he got this information  
14 from?

15 A. Paul Rico.

16 Q. Other than getting the details about Mr. Wheeler, did you  
17 make any other arrangements before you killed Mr. Wheeler?

18 A. Yeah, we arranged for Stevie to send me a package of  
19 equipment.

10:22 20 Q. Okay.

21 And what does that mean, "a package of equipment"?

22 A. A suitcase full of equipment.

23 Q. And is this, like, equipment to fix your car?

24 A. Yeah -- he sent a machine gun, a carbine, a couple of  
25 pistols, masks.



1 Q. So equipment to murder someone?

2 A. And a dent puller to steal cars and stuff.

3 Q. And how did Mr. Flemmi get this suitcase of equipment to  
4 you?

5 A. He sent it to me in Oklahoma by Trailways or Greyhound,  
6 I'm not sure which one.

7 Q. On a bus?

8 A. On a bus.

9 Q. Isn't that kind of risky, to put a suitcase full of guns  
10:23 10 on a bus?

11 A. Not then.

12 Q. Why do you say, "not then"?

13 A. There was no checking, they just put them on.

14 Q. And where did he send that suitcase to?

15 A. Tulsa.

16 Q. Did there come a time when you went to Tulsa?

17 A. Yes.

18 Q. And did you go there alone?

19 A. No.

10:23 20 Q. Who did you go with?

21 A. Joe McDonald.

22 Q. How did you get there?

23 A. We flew to Oklahoma City, rented a car, and drove up.

24 Q. Drove to Tulsa?

25 Did you get the suitcase?

1 A. Yes.

2 Q. Where did you get the suitcase?

3 A. The bus station.

4 Q. Was it -- how did you know what to ask for?

5 A. I just asked for it. There was a name on it, I guess.

6 Q. Did you know the name?

7 A. I don't know. It might have been Phil Costa, at the time,  
8 I'm not sure.

9 Q. But there was -- the suitcase sent in somebody's name?

10:24 10 A. Yes.

11 Q. You asked for it?

12 A. Right.

13 Q. And it was there?

14 A. Yes.

15 Q. What did you do after you received the suitcase?

16 A. Took it to the hotel.

17 Q. You stayed in a hotel?

18 A. Motel.

19 Q. What other preparations did you make prior to murdering  
10:24 20 Roger Wheeler?

21 A. Well, we checked all the addresses and places out, wanted  
22 to get a look at him; and then we had to steal a car, put it  
23 away.

24 Q. Who stole the car?

25 A. Joe and myself.

1 Q. And why did you need to steal a car?

2 A. So when we went to get Wheeler, we had a car.

3 Q. Did you have another car?

4 A. Yeah, rent-a-cars.

5 Q. How long did you spend in Tulsa planning the murder?

6 A. Four to six days, something like that.

7 Q. What did you do during that period, for four to six days?

8 A. Kept going around and around, circling, to see what we --  
9 to find him.

10:25 10 Q. Were you able to find him?

11 A. Yeah, we found his car at the house a few times, car at  
12 his office a few times, but they were under cameras.

13 Q. Under what?

14 A. Cameras.

15 Q. Cameras?

16 Did there come a time when you received information  
17 about Mr. Wheeler's whereabouts?

18 A. Yes.

19 Q. And what information was that?

10:25 20 A. John Callahan told me that Rico told him the tee time when  
21 Wheeler was going to play golf.

22 Q. Did you learn where Mr. Wheeler was playing golf?

23 A. Yes, Southern Hills Country Club.

24 Q. And that was a golf course in --

25 A. -- Tulsa.

1 Q. Tulsa.

2 Did you go to the country club?

3 A. Yeah, we went there a few times and looked at it.

4 Q. Did there come a time when you went there and Mr. Wheeler  
5 was there?

6 A. Yes.

7 Q. What did you do when you spotted his car?

8 A. Well, he was playing golf, and we were waiting for him to  
9 finish.

10:26 10 Q. How were you dressed at the time?

11 A. I don't know, sunglasses, beard, baseball cap, maybe,  
12 and --

13 Q. You were disguised?

14 A. Yes.

15 Q. Were you in the stolen car?

16 A. Yes.

17 Q. And you observed his car?

18 A. Correct.

19 Q. And how long did you wait until he arrived?

10:26 20 A. I'm not sure, a half hour, maybe.

21 Q. At some point, did you see somebody walking towards that  
22 car?

23 A. I saw a guy come over the hill, carrying a briefcase, and  
24 it looked like his description, and he was heading towards that  
25 car, so I headed towards the car, also.

1 Q. All right.

2 And how could you be sure that was Mr. Wheeler?

3 A. Once he opened the door and got in.

4 Q. Did he do that?

5 A. Yes.

6 Q. And once he did that, what did you do?

7 A. I opened the door and shot him.

8 Q. Where did you shoot him?

9 A. Between the eyes.

10:27 10 Q. What happened to the gun at that time?

11 A. It exploded.

12 Q. What do you mean, "it exploded"?

13 A. It blew open. It was a revolver, and it blew open and the  
14 shells flew out.

15 Q. What did you do next?

16 A. Nothing. Went back to the car that Joe was in and drove  
17 off.

18 Q. Did you go back to the motel?

19 A. No. We had to get rid of the boiler and get the other  
10:27 20 car.

21 Q. So what did you do with the stolen car?

22 A. We left it in a housing development.

23 Q. And how did you get from the housing development back to  
24 your motel?

25 A. We walked around to the back of it, where we had our

1 regular car.

2 Q. All right.

3 Once you got back to the motel, what did you do?

4 A. Cut up my clothes, cut up the beard, cut up the gun, threw  
5 it away.

6 Q. What did you do with the rest of the kit that Mr. Flemmi  
7 had sent --

8 A. Sent it back to Florida.

9 Q. How?

10:28 10 A. Bus.

11 Q. Put it back on a bus?

12 A. Mm-hmm.

13 Q. Sent it to Florida?

14 A. Yup.

15 Q. And then what did you do?

16 A. Got out of Oklahoma.

17 Q. How?

18 A. We flew.

19 Q. Flew back to Florida?

10:28 20 A. Yes.

21 (Pause.)

22 MR. WYSHAK: Your Honor, at this time I'd like to  
23 approach the witness and show him what's been marked Exhibits  
24 251, 252, and 236 for identification.

25 THE COURT: You may.

1 (Pause.)

2 BY MR. WYSHAK:

3 Q. Showing you, first, Mr. Martorano, Exhibit 252 for  
4 identification, do you recognize what's depicted in that  
5 photograph?

6 A. Yes.

7 Q. What's depicted in that picture?

8 A. That's Mr. Wheeler's car.

9 Q. Is that the way it looked the day that you shot  
10:30 10 Mr. Wheeler?

11 A. Yes.

12 MR. WYSHAK: I offer it, your Honor.

13 THE COURT: Any objection?

14 MR. BRENNAN: No, your Honor, I have no objection to  
15 251, 252, or 236.

16 THE COURT: It may be admitted, counsel.

17 (Exhibit 236, 251, 252 received into evidence.)

18 MR. WYSHAK: Can we put 252 up?

19 BY MR. WYSHAK:

10:30 20 Q. That's Mr. Wheeler's car?

21 A. Correct.

22 Q. And that's in the parking lot at the country club?

23 A. Yes.

24 Q. All right.

25 And can we put 252 up -- I'm sorry, 251 up?

1 Q. Is that Mr. Wheeler?

2 A. Yes.

3 Q. That's how he looked after you shot him?

4 A. Yeah.

5 MR. WYSHAK: Can we put 236 up?

6 Q. Is that also Mr. Wheeler?

7 A. Yes.

8 Q. Okay.

9 After you got back to Florida, did you meet with  
10:31 10 Mr. Callahan?

11 A. Yeah, at some point, yeah.

12 Q. And can you tell us what happened when you returned and  
13 met with Mr. Callahan?

14 A. He was very happy. He thought he was going to -- that  
15 would solve the problem he might have with the Jai Alai.

16 Q. Did he give you anything?

17 A. Yeah, he was very happy, you know, he was a friend of  
18 mine, I would do it for nothing, but he came up with \$50,000.  
19 He said, Here, throw this in the pot for your guys.

10:31 20 Q. And what did you do with that \$50,000?

21 A. I gave Joe 25.

22 Q. Joe McDonald?

23 A. Yes.

24 Q. And what happened to the other 25?

25 A. I split it with "Whitey" and Stevie.



1 Q. And when you say you "split it" with them, did you  
2 actually send them the money?

3 A. I probably had them take it out of my money withholding.

4 Q. So they didn't have to send you that much money the next  
5 month?

6 MR. BRENNAN: Objection.

7 THE COURT: Sustained as to form.

8 BY MR. WYSHAK:

9 Q. So can you tell us how physically you would split the  
10:32 10 money with them? How mechanically --

11 A. Well, it went three ways. Eight, 16, 24, so I gave them  
12 16. I would tell them -- if he was holding money at the time,  
13 Take it out of that, if not, get it from somebody who is  
14 holding it.

15 Q. Okay.

16 You didn't actually physically deliver the money that  
17 Mr. Callahan gave you to Mr. Bulger and Mr. Flemmi.

18 A. No, no.

19 Q. Did you talk to Mr. Flemmi about the gun?

10:33 20 A. Yeah, I told him it blew up.

21 Q. Were you not pleased with that?

22 A. Yeah, I said it could have been a problem, did somebody  
23 check? He said somebody checked it.

24 Q. And who did he say checked it?

25 A. I'm not sure at the time.

1 Q. Was Mr. Callahan successful in acquiring World Jai Alai  
2 after the murder of Roger Wheeler?

3 A. No. After a time went by, they tried to get it -- to buy  
4 it from the wife, and she refused.

5 Q. Okay.

6 I'd like to direct your attention to approximately a  
7 year later, in May or June of 1982. Did you learn that this  
8 individual, Brian Halloran, had been murdered?

9 A. Yes, I had heard that, yeah.

10:34 10 Q. How did you hear that?

11 A. I'm not sure. I spoke to someone in Boston and heard it,  
12 probably Stevie.

13 Q. Shortly after that, did you get a message from Mr. Bulger  
14 and Mr. Flemmi?

15 A. From Mr. Flemmi, yeah.

16 Q. What was the message?

17 A. That he wanted to see me, and "Whitey" wanted to speak  
18 with me, also.

19 Q. And where?

10:34 20 A. So we arranged a meeting in New York.

21 Q. Where in New York?

22 A. LaGuardia Airport, the Marriott Hotel.

23 Q. And did Mr. Bulger and Mr. Flemmi come to New York City --

24 A. Yes, they did.

25 Q. -- and meet with you --

1 A. Yes.

2 Q. -- at the hotel?

3 A. Yes.

4 Q. And what happened when they got there?

5 A. Well, we went up to the room -- I either met them in the  
6 lobby or upstairs, because they knew what name I had. And they  
7 come in, we said hello, and started talking about everything  
8 that's -- bringing me up to date.

9 Q. Okay.

10:35 10 And who was doing most of the talking at this meeting?

11 A. "Whitey" was, at this meeting.

12 Q. What did he say?

13 A. Well, he first wanted to explain the situation about  
14 Halloran.

15 Q. What did he tell you about Halloran?

16 A. He said that Halloran went to the FBI and told them that I  
17 killed Wheeler and he had heard it from John Callahan. And  
18 subsequently, after that, he killed Halloran.

19 Q. You say, "he killed Halloran" --

10:35 20 A. He said -- "Whitey" said he killed Halloran.

21 Q. Did he tell you how he knew that Brian Halloran had gone  
22 to the FBI?

23 A. Yeah, his friend "Zip" told him.

24 Q. Okay.

25 And what did that have to do with you?

1 A. He said he told the FBI that I killed Wheeler, and that  
2 would have -- so he did it for me.

3 Q. Is that what Mr. Bulger told you?

4 A. Yeah.

5 Q. He killed Brian Halloran for you?

6 A. Because of him going to the FBI.

7 Q. What else did he tell you?

8 A. He said that -- because of that, you know, they were going  
9 to have a big investigation and they're going to call Callahan  
10:36 10 in, and I guess Callahan is already out of the country, he's  
11 hiding. But he said that they're going to put so much pressure  
12 on Callahan. He said that "Zip" told him that Callahan is  
13 going to get so much pressure on him, he's going to fold, in  
14 their opinion, he'd fold, or if he does fold, we're all going  
15 to go to jail for the rest of our life.

16 So --

17 Q. Mr. Bulger said that to you?

18 A. Yes. Bulger did all the talking, Stevie just agreed on  
19 everything.

10:37 20 Q. So he told you they were worried about Mr. Callahan?

21 A. Yes.

22 Q. What else did he tell you?

23 A. That they thought that he wouldn't hold up; they wanted to  
24 take him out. And I objected. You know, Callahan was a friend  
25 of mine, and, you know, I just killed a guy for him, risked my

1 life. I didn't want to kill Callahan.

2 So they're saying, Well, he ratted on you by telling  
3 Brian Halloran you killed Wheeler, and he's going -- can I  
4 guarantee that he's going to not fold? I said, I can't  
5 guarantee he's going to not fold. He said, Well, we're all  
6 here, we're going to all go way.

7 So, eventually, they convinced, okay, if that's case,  
8 it was two against one, and that was the three of us.

9 Q. Did you agree to --

10:38 10 A. So I finally agreed, yeah, okay, if it has to be done, it  
11 has to be done.

12 Q. Okay. And who did you think was going to kill  
13 Mr. Callahan?

14 A. Well, they had had so much heat on them from the Halloran  
15 murder that they said now that we're going do it, they'd rather  
16 have me do it in Florida. And I didn't want to do that, but I,  
17 you know, I finally agreed to -- I'll do it.

18 Q. At this period of time, did you feel like you had control  
19 of the situation?

10:38 20 MR. BRENNAN: Objection.

21 THE COURT: Sustained.

22 BY MR. WYSHAK:

23 Q. Did you have a conversation about Cubans?

24 A. Correct.

25 Q. And what was discussed about the Cubans?

1 A. Well, they wanted it to happen in Florida so they could  
2 have an alibi where they were when it happened. And we were  
3 going to throw it off, you know, mislead anybody we could  
4 investigating the murder, so we were going to try to blame it  
5 on the Cubans for drugs. I believe we went through that and I  
6 think they already had set something up with "Zip" putting  
7 reports in about Halloran into drugs. So we were going to try  
8 to make it like they were together on it.

9 Q. All right.

10:40 10 Was that the end of the meeting?

11 A. No, I don't think so.

12 Then they wanted me to have him found down there. I  
13 thought it would be better for me if he wasn't found because I  
14 had to move and go away if he was found. So I think that's the  
15 rest of it, that I agreed to leave him down there.

16 Q. How long did the meeting in New York last?

17 A. Half hour, hour, the most.

18 Q. And how did you feel after that?

19 A. I felt lousy, but, you know, these were my partners, you  
10:40 20 know, it sort of dictated. We were up to our necks in murders  
21 already, this is -- this is what they wanted, I have to do it.  
22 They just convinced me they just saved my life.

23 Q. And when you say they just saved your life, what do you  
24 mean?

25 A. By killing Halloran.

1 Q. So did you go about devising a plan to murder John  
2 Callahan?

3 A. Yes.

4 Q. What did you do?

5 A. I went back to Florida, I met with Joe McDonald, and I  
6 brought him up to date on everything.

7 Q. And why did you meet with Joe McDonald about this?

8 A. Because he was in with Wheeler.

9 Q. Okay.

10:41 10 As a result of meeting with Joe McDonald, did he agree  
11 to do anything?

12 A. Yeah, he agreed to help me do it.

13 Q. And how did you plan to do it?

14 A. Well, when he came down to Florida the next time, we were  
15 going to set something up so we could take him out at that  
16 time.

17 Q. And did you have problems reaching Mr. Callahan?

18 A. Yeah. Usually I have to wait for him to call me, and I  
19 didn't want to seem too anxious, he'd call -- I think he was  
10:42 20 nervous because of Halloran being killed, and -- but he finally  
21 came -- said, I'm coming down next week, next Friday, and this  
22 was two or three weeks went by.

23 Q. Okay.

24 And when he said he was coming down, what did you do?

25 A. Well, I said, I'll pick you up at the airport.

1                   So he usually takes the last flight in on Fort  
2   Lauderdale Airport.

3   Q.   And did you meet him at Fort Lauderdale Airport?

4   A.   Yeah, I met him at Fort Lauderdale airport.

5   Q.   And was that somewhere around the end of July, beginning  
6   of August of 1982?

7   A.   Correct.

8   Q.   When you met him at the airport, what vehicle were you in?

9   A.   I had a conversion van with the captain's chairs in the  
10:42 10   front.

11   Q.   Was Joe McDonald in the car with you?

12   A.   He was in another car, his own car, a couple of rows  
13   behind me. I was in the parking lot across from the airlines.

14   Q.   And why was he in a separate car?

15   A.   To follow me.

16   Q.   Why?

17   A.   Because he knew what I was going to do.

18   Q.   So he was the crash car again?

19   A.   If need to be, but more so to do with the rest of the  
10:43 20   stuff we had to do.

21   Q.   Can you explain that for to us, again, why you needed  
22   multiple cars?

23   A.   When Winter Hill was doing those things, it was like a  
24   military maneuver. Every car had a responsibility. Some cars  
25   had walkie-talkies, they were just surveillance; some cars were



1 crash cars, meaning that if a police car was chasing the number  
2 one car, that they could get in between and slow it down or  
3 bump them, instead of having a shootout with the police.

4 Q. And was that the ordinary practice that Winter Hill used  
5 when --

6 A. Yes.

7 Q. -- you were involved in these murders?

8 A. Yes.

9 Q. So now Mr. McDonald is in a second car at Fort Lauderdale  
10:44 10 Airport?

11 A. Yes.

12 Q. Does Mr. Callahan arrive?

13 A. Yes.

14 Q. And when he arrived, what happened?

15 A. He crossed the street where I was and we were in the  
16 parking lot right there, and I took his briefcase and threw it  
17 in the back of the van, he jumped in the front. I got in the  
18 back and had -- I had a pistol underneath the towel, and I shot  
19 him.

10:44 20 Q. Where did you shoot him?

21 A. In the head.

22 Q. Back of the head?

23 A. Yeah.

24 Q. What did you do with his body then?

25 A. Put it between the two captain chairs and we drove off.

1 Q. Where did you drive to?

2 A. I had a garage where his -- his own automobile was hidden  
3 in the garage, and I was going to transfer him from my vehicle  
4 to his trunk.

5 Q. And when you said that you had a garage, what does that  
6 mean, a "garage"?

7 A. A garage, where I could put two cars in it to transfer --  
8 to transfer him for this.

9 Q. And how did you have Mr. Callahan's car?

10:45 10 A. I had access to his car and his apartment.

11 Q. So did you go to the garage?

12 A. Yes.

13 Q. Was it open at the time?

14 A. No.

15 Q. What did "Joe Mac" do, Joe McDonald?

16 A. What did he do? We went to the -- across the street from  
17 where the garage was. It was an Albertsons 24-hour store. So  
18 we parked it there, I left him in the car. I locked the car up  
19 with John in it and walked over to Joe's car and we waited  
10:45 20 until the garage opened up at 7:00 in the morning.

21 Q. Okay.

22 MR. WYSHAK: At this time, your Honor, I'd like to  
23 show the witness Exhibits 337 through 339.

24 THE COURT: Counsel, if you've had a chance to review  
25 these? Any objection?

1 MR. BRENNAN: I have. I have no objection to those  
2 exhibits, your Honor.

3 THE COURT: Okay. They may be admitted and published.

4 (Exhibits 337-339 received into evidence.)

5 BY MR. WYSHAK:

6 Q. Showing you 337 through 339, can you tell us,  
7 Mr. Martorano, what's depicted in those photographs?

8 A. That's the garage in Florida.

9 Q. Okay.

10:46 10 It's sort of a -- one of those storage facilities?

11 A. Yes.

12 MR. WYSHAK: Can we put 337 up, your Honor?

13 THE COURT: You may.

14 BY MR. WYSHAK:

15 Q. So that's the facility that you were waiting to open up?

16 A. Correct.

17 MR. WYSHAK: Can we see the next photograph?

18 Q. Is that what the garage is, the storage facilities look  
19 like?

10:47 20 A. Yup, it would be one of those.

21 MR. WYSHAK: Last one.

22 Q. Okay.

23 So did there come a time that morning when this  
24 storage center opened up?

25 A. Yes.

1 Q. And what did you do then?

2 A. We drove -- I got back in my van and drove it over to the  
3 garage door, opened the garage and pulled my van in, backed it  
4 in.

5 Q. All right.

6 And where was Mr. Callahan's vehicle at that time?

7 A. Inside the garage.

8 Q. So this garage had enough space for two vehicles?

9 A. Yeah, they're extra long.

10:48 10 Q. Extra long?

11 A. Mm-hmm.

12 Q. And when you drove your van into the storage facility, was  
13 Mr. McDonald with you?

14 A. Yes, he parked his car outside.

15 Q. What did you do inside the storage facility?

16 A. Took John out of van and put him into the trunk of his  
17 car.

18 First we emptied his pockets, his briefcase, all those  
19 things, his watch, stuff like that.

10:48 20 Q. And why did you take his personal items?

21 A. We were going to spread them around the Cuban section,  
22 hopefully somebody found them and it would be a throw-off.

23 Q. And when you say "a throw-off" --

24 A. A throw-off for the investigation to go a different way.

25 Q. So people would think, what?

1 A. It was -- it was something to do with the Cuban section.

2 Q. Did anything happen when you moved Mr. Callahan's body  
3 from your van into the trunk of his car?

4 A. Yeah, Joe heard a moan, thought he was still alive, he  
5 shot it a couple more times.

6 Q. After you transferred his body into the trunk of his car,  
7 what did you do?

8 A. I drove his car to the Miami International Airport.

9 Q. And did what with it?

10:49 10 A. Left it there.

11 Q. How did you get away from Miami International --

12 A. Joe followed me.

13 Q. And he drove you away?

14 A. Yes.

15 Q. What happened to Mr. Callahan's personal items?

16 A. Joe spread them around certain bars down around the  
17 airport, the Miami airport.

18 Q. I'd like to show these photographs, 324 and 325.

19 THE COURT: 324?

10:50 20 MR. WYSHAK: Yes, 324 and 325.

21 THE COURT: Thank you.

22 BY MR. WYSHAK:

23 Q. Do you recognize those photos?

24 A. Yes.

25 Q. And what do they depict?

1 A. That's John Callahan's car parked at the airport.

2 MR. WYSHAK: I offer them.

3 THE COURT: Any objection?

4 MR. BRENNAN: No objection to either, your Honor.

5 THE COURT: They may be admitted and published.

6 (Exhibits 324, 325 received into evidence.)

7 MR. WYSHAK: 324.

8 BY MR. WYSHAK:

9 Q. What is that, Mr. Martorano?

10:50 10 A. Pardon me?

11 Q. What's depicted on the screen?

12 A. John Callahan's car at the Miami airport.

13 Q. Is that where you left it?

14 A. Yes.

15 Q. The next photo.

16 Is that his plate?

17 A. Yes.

18 Q. Now, after the murder of Mr. Callahan, did you meet with  
19 Paul Rico?

10:51 20 A. Yes, at some point, yeah.

21 Q. Why?

22 A. Joe -- a few months later, because the deal of buying the  
23 Jai Alai was still in the air, it still wasn't dead yet. So  
24 Joe wanted me to ask Paul Rico if anything happened with the  
25 deal. And I said, okay, because he just wanted me to do it,

1 not Stevie -- he said, Don't leave it up to Stevie, you do it.

2 Q. All right.

3 Well, did you know Paul Rico?

4 A. No.

5 Q. So how did you arrange to meet with him?

6 A. I told Stevie, I said, I want to see Paul Rico and ask him  
7 what's going on for Joe, because he wanted to know.

8 Q. And what did Stevie say?

9 A. Okay. He set up the meet.

10:52 10 Q. When you say "Stevie," you mean Stephen Flemmi?

11 A. Yes.

12 Q. And where did Mr. Flemmi set up a meet with Mr. Rico?

13 A. At the Miami Jai Alai.

14 Q. Who attended that meeting?

15 A. Stevie and myself and Paul Rico.

16 Q. Did Joe McDonald go?

17 A. No.

18 Q. And did you have a conversation with Mr. Flemmi and  
19 Mr. Rico at that time?

10:52 20 A. Just a few words, yeah.

21 Q. What did you say? What did he say?

22 A. He introduced me to Paul. I said, Hello. I said, Joe --  
23 Joe asked me to ask you if there's anything happening with the  
24 sale? He said, Nothing happening. I says, That's good for me,  
25 I'll see you later.

1 Q. At that time, you were a fugitive, correct?

2 A. Correct.

3 Q. Well-known to be a fugitive?

4 A. I think so.

5 Q. Mr. Rico was a retired FBI agent?

6 A. Yes.

7 Q. Did he try to arrest you?

8 A. No.

9 Q. All right.

10:53 10 Now, you told us that you were arrested in 1995,  
11 correct?

12 A. Correct.

13 Q. Where were you arrested?

14 A. Delray Beach, Florida.

15 Q. At some point were you brought back to Massachusetts?

16 A. Yes.

17 Q. Were you released on bail?

18 A. No.

19 Q. You were incarcerated?

10:54 20 A. Yes.

21 Q. Where were you incarcerated?

22 A. Plymouth House of Correction.

23 Q. Were there other co-defendants with you on that case?

24 A. Yes.

25 Q. And who were they?



1 A. Well, once I was in -- put into their case, it was my  
2 brother, Frank Salemmme, Stevie Flemmi, and Bobby DeLuca.

3 Q. Did you meet a man named Kevin Weeks during this period  
4 when you were incarcerated at Plymouth?

5 A. At some point, yes.

6 Q. And how did you meet Kevin Weeks?

7 A. Well, he was in the visiting room visiting Stevie on the  
8 other side of the glass, and I come in and said hello.

9 Q. All right.

10:54 10 Now, did there come a time after you were arrested  
11 when you needed money?

12 A. Yes.

13 Q. And would that have been sometime in 1996?

14 A. Yes.

15 Q. Do you remember approximately when it was?

16 A. No.

17 Q. As a result of needing money, did you ask this individual,  
18 Kevin Weeks, to do anything for you?

19 A. Yeah, I told him to ask "Whitey" that I needed some money.

10:55 20 Q. And what did he say?

21 A. How much? And I told him, ten.

22 Q. And did you at some point later receive a response to your  
23 request ?

24 A. Yes.

25 Q. And what was the response?

1 A. The money was left at my ex-girlfriend's house.

2 Q. And whose house was that?

3 A. Her mother.

4 Q. What's her name?

5 A. Loretta.

6 Q. And who told you that?

7 A. Stevie.

8 Q. So can you lay -- flesh that out a little bit for us?

9 Mr. Flemmi has a conversation with you about the money  
10:56 10 you requested?

11 A. Yeah, he said that it will get there. He told me -- then  
12 when -- he told me, It's gonna be there, but then he told me  
13 when it got there.

14 Q. Did he tell you how it got there?

15 A. I guess his guy, one of those guys there, were going to  
16 bring it.

17 Q. Phil Costa?

18 A. Yeah.

19 Q. Brought it to Loretta's house?

10:56 20 A. Yes.

21 Q. And that's Loretta Lytle?

22 A. Yes.

23 Q. And that was your girlfriend's mother?

24 A. Yes.

25 Q. And what happened to that money?

1 A. She picked it up.

2 Q. And did she give it to anybody?

3 A. Who?

4 Q. Loretta?

5 A. She gave it to her daughter.

6 Q. And what's her name?

7 A. Patty.

8 Q. And that was the woman you had been living with when you  
9 were in Florida; is that fair to say?

10:56 10 A. Yes.

11 Q. That's the mother of your youngest child --

12 A. Yes.

13 Q. -- Jimmy?

14 Was this the first time that Patty had picked up money  
15 from her mother's house?

16 A. No, she was probably picking up when I was in Plymouth. I  
17 was in there three years, so she picked up money occasionally  
18 there.

19 Q. In addition to this \$10,000 we've just discussed, how  
10:57 20 would other money get to Loretta Lytle's house?

21 A. Just some bookmakers, friends of mine, would bring it  
22 over.

23 Q. So while you were incarcerated, you still had people  
24 collecting money for you?

25 A. Somewhat, yeah.

1 Q. But by the time you requested money from Mr. Bulger, you  
2 had run out?

3 A. Yes.

4 Q. Mr. Martorano, do you regret your life of crime?

5 A. Who wouldn't?

6 Q. How did you feel after you murdered John Callahan?

7 A. Very bad, very bad. I just killed a guy, risked my life  
8 to go to Oklahoma for him because of my friendship with him, I  
9 don't want to see him get arrested; and then have to kill him,  
10:58 10 just didn't -- that was the last thing I did, just stopped  
11 there.

12 Q. Since that murder in 1982, you've never killed anybody?

13 A. No, no.

14 MR. WYSHAK: I think this might be a good time for the  
15 break, your Honor. I think I'm done.

16 THE COURT: Okay.

17 \* \* \* \* \*

18 (Recess taken.)

19 THE CLERK: All rise for the jury.

11:26 20 (JURORS ENTERED THE COURTROOM.)

21 THE CLERK: Court is in session. Please be seated.

22 THE COURT: Mr. Wyshak.

23 MR. WYSHAK: No further questions.

24 THE COURT: Cross-examination, Mr. Brennan.

25 MR. BRENNAN: Thank you.

CROSS-EXAMINATION

1  
2 BY MR. BRENNAN:

3 Q. Mr. Martorano, you are a mass murderer, are you not?

4 A. I don't think so.

5 Q. You've killed for friends, right?

6 A. Correct.

7 Q. You've killed for family?

8 A. Correct.

9 Q. You've killed young, haven't you?

11:27 10 A. It was an accident.

11 Q. Have you killed young, Mr. Martorano?

12 A. Yes.

13 Q. You've killed people that you've known, true?

14 A. Correct.

15 Q. You've killed friends? Yes?

16 A. Correct.

17 Q. You've killed strangers?

18 A. Correct.

19 Q. You've killed innocent people, haven't you?

11:28 20 A. Correct.

21 Q. You don't like the term "hit man," do you, Mr. Martorano?

22 A. Not especially.

23 Q. Mr. Callahan gave you \$50,000 after you killed Mr. Wheeler  
24 for him, didn't he?

25 A. Correct.

1 Q. You don't like the term "hit man" because you think in  
2 some way it undermines your credibility, sir?

3 A. No, I wouldn't accept money to kill somebody.

4 Q. So there's a difference between what you did and someone  
5 who's a hit man?

6 A. I would think so.

7 Q. Do you think what you did by not taking money makes you  
8 any better?

9 A. I didn't say that.

11:28 10 Q. Well, I'm asking you.

11 A. No.

12 Q. It just makes you different?

13 A. Maybe.

14 Q. Well, how do you see the difference?

15 A. As far as Mr. Callahan, there was no money for killing  
16 somebody, he just didn't it out of appreciation for not going  
17 to jail, it wasn't for killing somebody.

18 Q. When you killed all these people, Mr. Martorano, rather  
19 than call yourself a mass murderer or rather than call yourself  
11:29 20 a hit man, how would you describe your conduct?

21 A. I don't know how to answer that.

22 Q. Were you a serial killer?

23 A. No.

24 Q. You don't like that word?

25 A. Serial killers kill until they get caught or stopped, and

1 I didn't -- I wasn't a serial killer. I could stop to confess  
2 my problems.

3 Q. You confessed your problems after you got caught, didn't  
4 you?

5 A. Not for murder.

6 Q. I see. After you got caught and arrested, you confessed  
7 your problems, didn't you?

8 A. Not for murder.

9 Q. After you got caught and arrested, you then confessed your  
11:29 10 problems, didn't you?

11 A. At some point, yeah.

12 Q. But you're different than a serial killer how?

13 A. Well, depends how you would think it.

14 Q. Well, you've said it.

15 A. I don't think so. Maybe you do.

16 Q. You went on *60 Minutes* and you didn't like the term  
17 "serial murder" either, did you?

18 A. No.

19 Q. Okay. Well, explain to the jury why you're not a serial  
11:30 20 murderer.

21 A. Because I don't consider myself one, that's why.

22 Q. Well, what is a serial murderer to you?

23 A. I don't know what you would think a serial murderer is. A  
24 serial murderer kills for fun, they like it. I don't like it.  
25 I never did like it.

1 Q. The 20 murders you admitted to, you didn't like any of  
2 them, sir?

3 A. No, I didn't like doing any of it. I don't like risking  
4 my life either.

5 Q. Well, put aside risking your life right now, let's talk  
6 about the joy that you had.

7 A. I never had any joy. I never had any joy at all.

8 Q. No satisfaction, sir?

9 A. None.

11:30 10 Q. When you were out killing people, you knew that your  
11 reputation preceded you, didn't you?

12 A. No, I didn't go out bragging about what I was doing.

13 Q. You told a lot of people about what you did.

14 A. I don't recall.

15 Q. You're bragging about it now.

16 A. I'm in court, I'm answering you.

17 Q. Well, you're bragging about it in your books.

18 A. I'm not bragging about it.

19 Q. You're bragging about it in your hopeful movie?

11:31 20 A. No, I'm not.

21 Q. That's not bragging?

22 A. No.

23 Q. That's just capitalizing on an opportunity?

24 A. It's legal. I pay taxes on it. I had to do something.

25 Somebody offered me money to do it, and I did it.



1 Q. Because you're the kind of guy who will pretty much do  
2 anything for money, right, Mr. Martorano?

3 A. I don't think so.

4 Q. Other than kill people and brag about it, what limits do  
5 you have on doing things for money?

6 A. I don't follow you.

7 Q. Well, we know that you'll brag about what you've done for  
8 money, right?

9 A. I don't know about that.

11:31 10 Q. And although you say to this jury you're not a hit man,  
11 you got \$50,000 from Mr. Callahan for killing Mr. Wheeler,  
12 right?

13 A. No, he gave me that money in appreciation for me risking  
14 my life for him so he wouldn't go to jail. There was no talk  
15 about money for murder ever.

16 Q. And you took that appreciative gift?

17 A. And I gave it to everybody else.

18 Q. I'm asking if you took it, sir.

19 A. Sure.

11:32 20 Q. When you say sure, there was no hesitation?

21 A. I said you didn't have to do this.

22 Q. Well, did you say I'd do it for free, so why don't you  
23 just take the money back because I'm not a hit man?

24 A. No, I didn't say anything like that.

25 Q. No, you took the money and you put it in your pocket?

1 A. I gave it to everybody else, too.

2 Q. Did you take the money?

3 A. Yes.

4 Q. You put it in your pocket?

5 A. Yeah.

6 Q. Yeah. Now, sir, you were saying earlier that it's not  
7 about the money, you would have killed Mr. Wheeler for free to  
8 help out Mr. Callahan, right?

9 A. No, not without my partner's okay.

11:32 10 Q. Let's stop trying to blame everybody else for your killing  
11 and answer my question.

12 MR. WYSHAK: Objection.

13 THE COURT: Sustained.

14 MR. BRENNAN: Thank you.

15 Q. Didn't you say on direct examination, you would have done  
16 it for nothing? Were those your words?

17 A. I said that he was a friend of mine. Yeah, I would like  
18 to help him.

19 Q. Did you say you would have done it for nothing?

11:33 20 A. Just now with you, yes.

21 Q. Would you have done it for nothing, sir?

22 A. Pardon me.

23 Q. Would you have killed Mr. Wheeler for nothing?

24 A. If everybody was on board for the -- as it was, everybody  
25 was on board for it. Many things we did to save somebody

1 else's life.

2 Q. Do you have a problem accepting responsibility for what  
3 you've done?

4 A. Yes, sometimes.

5 Q. Do you have a problem acknowledging things you've done,  
6 sir?

7 A. No, I've confessed to everything in my life.

8 Q. Well, let's start a confession here. Let's talk about  
9 whether or not you said you would have killed Mr. Wheeler for  
10 nothing. Did you say that today?

11 A. Yes, I went there to do it for nothing to save my friend  
12 because everybody else was on board for it. There was a  
13 potential of a business deal that might have still happened,  
14 but that was in the wind.

15 Q. I'm asking you the simple question, sir, did you testify  
16 in front of this jury this morning when Mr. Wyshak was asking  
17 you questions about the fact that Mr. Callahan didn't have to  
18 give you money because you "would have done it for nothing"?

19 MR. WYSHAK: Objection. It's been asked and answered  
11:34 20 several times.

21 THE COURT: I'll allow this question.

22 Q. Would you like me to repeat that?

23 A. Yes.

24 Q. Did you, Mr. Martorano, testify in front of this jury this  
25 morning after Mr. Wyshak asked you questions about when you

1 killed Mr. Wheeler when you were asked about the money  
2 Mr. Callahan gave you and you said, "You would have done it for  
3 nothing"? Were those your words this morning?

4 A. Maybe. I don't recall.

5 Q. So, is it accurate to say that you would have done it for  
6 nothing?

7 A. To help a friend, yes.

8 Q. And Mr. Callahan was your friend?

9 A. Yes.

11:34 10 Q. Now, you've said before that there was always a good  
11 reason when you would kill somebody; is that true?

12 A. I used to think that, yeah.

13 Q. So, although you're now saying you took no satisfaction in  
14 it, you're saying that when you killed these people, they were  
15 justified killings?

16 A. I didn't enjoy killing anybody, I enjoyed helping a friend  
17 if I could.

18 Q. And so when you would help a friend, you felt as though  
19 what you were doing had some honor to it?

11:35 20 A. Well, you'd have to specify which situation. Every  
21 situation is different.

22 Q. Is there any killing you did, any murder that wasn't  
23 justified, sir?

24 A. Ask me specifically, will you?

25 Q. Well, I'm going to get to them, but I'm asking you, is

1     there any that stand out in your mind?

2     A.    Repeat that.

3     Q.    Are there any murders that you did that stand out in your  
4     mind, sir, that weren't justified?

5     A.    Yes, the two people, that guy Smith, Herbert Smith.

6     Q.    Who else?

7     A.    Who else?

8     Q.    Yes.

9     A.    Milano, but I was told that was the other guy, it wasn't  
11:36 10    my mistake, it was somebody else's mistake.

11    Q.    Well, that mistake caused an innocent person to be killed,  
12    didn't it?

13    A.    Not my mistake.

14    Q.    Who pulled the trigger?

15    A.    I did.

16    Q.    Who killed him?

17    A.    I did.

18    Q.    But it's not your fault because someone else told you to  
19    do it, sir?

11:36 20    A.    It was somebody else who told me that that was the wrong  
21    party.

22    Q.    So whose fault was that murder, sir?

23    A.    Indirectly both of ours.

24    Q.    Let's talk about directly.

25    A.    Directly, mine.

1 Q. Because you're the one who shot and killed him, right?

2 A. Correct.

3 Q. Now, when you were younger before you murdered anybody,  
4 sir, you were part of a number of people in the criminal  
5 element, weren't you, friends and associates with them?

6 A. Yes.

7 Q. And you knew Mr. Joseph Barboza, didn't you?

8 A. Correct.

9 Q. He had quite a reputation?

11:36 10 A. Correct.

11 Q. The most feared hit man or killer in Boston?

12 A. Maybe.

13 Q. Well, that's what everybody talked about, didn't they?

14 A. Well, I didn't feel that way.

15 Q. Well, you respected him, didn't you?

16 A. At one point I liked him, at one point I hated him.

17 Q. You hung with people in his gang?

18 A. Yes.

19 Q. Bratsos?

11:37 20 A. Yes.

21 Q. The Kearns?

22 A. Yes.

23 Q. And you did crimes with them?

24 A. Yes.

25 Q. And when you did crimes with other people, you learned

1 from their crimes, didn't you?

2 A. Not necessarily.

3 Q. Well, did you wake up learning how to kill somebody when  
4 you were a kid? Is it something you learned?

5 A. None of those guys you mentioned taught me.

6 Q. Who taught you?

7 A. Nobody taught me, it just happened.

8 Q. You just woke up one day and started killing people?

9 A. No, I always taught to take care of my family and my  
11:37 10 friends. The first situation that I had was somebody was going  
11 to hurt my brother, and I defended it.

12 Q. So someone taught you that if it comes down to your family  
13 or friends, you can do anything, including murder somebody?

14 A. Family and friends come first.

15 Q. Who told you that if it comes down to family and friends,  
16 you can murder somebody?

17 A. I don't know who told me that. I told myself that.

18 Q. So you had your own code?

19 A. My family, my father always taught me that, the priest and  
11:38 20 the nuns that I grew up with taught me that.

21 Q. The priest and nuns taught you that?

22 A. They always talked about Judas and stuff like that, and I  
23 always believed that, that Judas is the worst person in the  
24 world.

25 Q. And Judas caused you to kill Mr. Palladino when you were

1 24 years old?

2 A. That's what started me, yes.

3 Q. And Judas caused you to kill Mr. Jackson?

4 A. Yes.

5 Q. And Judas caused you to kill Mr. Hicks?

6 A. Yes.

7 Q. Did Judas come to you and tell you to do these things,  
8 sir?

9 A. Did Judas come to me, I just thought of Judas. He  
11:38 10 represented Judas to me.

11 Q. I see. So when you saw these people before you took their  
12 lives, when you looked at them, you saw Judas?

13 A. I saw my family in trouble and a guy trying to hurt him.

14 Q. And that was for Mr. Jackson?

15 A. Mr. Jackson and Mr. Palladino.

16 Q. It wasn't for Ms. Dickson, was it?

17 A. Who?

18 Q. The girl that you killed, Ms. Dickson?

19 A. No, I didn't know it was a girl. I didn't know -- I  
11:39 20 thought it was three guys in the car.

21 Q. She didn't look like Judas, did she?

22 A. I couldn't see her. They had hoods on. I couldn't see  
23 anybody in the car.

24 Q. Well, since you couldn't see them, did you think maybe it  
25 was Judas?



1 A. I didn't think it was any young woman at that time of the  
2 morning. He was supposed to be alone. I thought it was three  
3 guys waiting for me.

4 Q. When you weren't bragging on *60 Minutes* about all the  
5 people that you killed and murdered, you said that you would  
6 consider yourself a vigilante?

7 MR. WYSHAK: Objection.

8 THE COURT: Sustained as to the characterization at  
9 the beginning of the question, counsel.

11:39 10 Q. Did you go on *60 Minutes* after you got out of jail, sir?

11 A. Yes.

12 Q. And *60 Minutes* is a television news show on at night?

13 A. Correct.

14 Q. And you would have had an extraordinary large audience?

15 A. Correct.

16 Q. You knew that if you spoke on that show, many, many people  
17 would hear what you had to say?

18 A. Correct.

19 Q. And you went on that show so you could get your message  
11:40 20 out, didn't you?

21 A. I guess so.

22 Q. Well, don't guess. Isn't that why you went on?

23 A. I think so.

24 Q. Okay. And when you went on there and someone asked you if  
25 you were a serial murderer, you didn't like that term, right?

1 A. Correct.

2 Q. So the term that you wanted to use to characterize  
3 yourself at that time was you were a "vigilante"?

4 A. In comparison to something else.

5 Q. Well, could you tell us, the jury, what you were comparing  
6 it to.

7 A. I don't remember the tape.

8 Q. We'll show that for you tomorrow, maybe you can remember.

9 Is there a reason why you chose the word "vigilante" to  
11:40 10 describe your murders?

11 A. No.

12 Q. What did "vigilante" mean to you?

13 A. It's somebody that would hurt somebody that was doing  
14 wrong.

15 Q. Okay. So what you're saying is that all the murders were  
16 because you hurt somebody who was doing something wrong to  
17 somebody else?

18 A. Well, a large part of it, like Notorangeli, he killed  
19 somebody.

11:41 20 Q. And so it was your job to come in and cleanse Mr. --

21 A. No, I just agreed to help.

22 Q. And that makes you a vigilante like Batman, sir?

23 A. I don't know about Batman.

24 Q. It makes you something different than a murderer?

25 A. I didn't say that.

1 Q. As a vigilante, you were saying that you were a murderer,  
2 but that's the type of murderer you were?

3 A. No, I didn't say that either. I said I would rather be  
4 considered a vigilante than a serial killer.

5 Q. Okay. And explain to the jury how you wanted to be  
6 perceived as a vigilante.

7 A. As a person who would -- somebody who did wrong.

8 Q. And everybody you murdered did something wrong?

9 A. You'll have to specify.

11:41 10 Q. Let's start with Mr. Wheeler. Did he ever do anything  
11 wrong to you that you had to be a vigilante and murder him?

12 A. No, he didn't.

13 Q. So, when you say you wanted to be a vigilante, that  
14 doesn't really apply to all the killings that you did?

15 A. No, and that's because in that case he was trying to put a  
16 friend of mine in jail.

17 Q. And in your mind --

18 A. In my mind, I helped my friend.

19 Q. And as a vigilante, it was okay to murder him?

11:42 20 A. I would say in comparison to a serial killer.

21 Q. And that's how your mind works, if somebody does that,  
22 talks about a friend or is going to indict a friend from  
23 stealing money from them, you justify as a vigilante you should  
24 murder them?

25 A. Sometimes it happened that way, yeah.

1 Q. Is there any honor, integrity in what you did?

2 A. I thought so.

3 Q. Which one, honor, integrity?

4 A. I don't know which one. I thought both. I thought both.  
5 I didn't like risking my life, but if I thought the reason was  
6 right, I would try.

7 Q. Did you have a lot of honor when you killed Mr. Veranis?

8 A. Mr. Veranis was self-defense.

9 Q. Now, you're not actually sure how many people you killed,  
11:42 10 right?

11 A. I better be.

12 Q. There are people who you didn't know the names of that  
13 you've killed, haven't you?

14 A. Who's that?

15 Q. I'm asking you.

16 A. I don't know what you're talking about.

17 Q. So you're saying that other than the people that you pled  
18 guilty to, you've never murdered anybody else?

19 A. Other than I pleaded in this case, I never murdered  
11:43 20 anybody else, no.

21 Q. You're sure about that?

22 A. I'm positive.

23 Q. Is there any reason why you would say on national TV that  
24 you're not sure how many people you killed?

25 A. I don't remember saying that.

1 Q. Now, when you were doing the right thing killing these  
2 people, why was it that you would run from the scene and hide  
3 if you were doing the right thing?

4 A. Because I didn't want to get caught.

5 Q. Well, if you got caught, couldn't you just explain that  
6 you were doing the right thing?

7 MR. WYSHAK: Objection. This is tough work.

8 THE COURT: Counsel, objection is fine. Sustained as  
9 to the form of the question but no commentary from either side.

11:43 10 Mr. Brennan.

11 MR. BRENNAN: You haven't heard any commentary from  
12 me, your Honor.

13 THE COURT: Counsel, you can rephrase.

14 Q. You tell this jury today that you're "remorseful;" is that  
15 the word you used?

16 A. I wish none of it happened.

17 Q. You used the word "remorseful" today, didn't you?

18 A. Well, that's what I meant by "remorseful," I wish it never  
19 happened.

11:44 20 Q. And you said you wished it never happened, you came to  
21 this enlightenment after you murdered your friend Callahan,  
22 right?

23 A. No, it was always that way.

24 Q. I see. When you were in Florida, you were visited by a  
25 friend of yours, Teddy Berenson, weren't you?

1 A. I think so.

2 Q. And he had a wife that would come down and visit you as  
3 well?

4 A. They did once or twice.

5 Q. When you were in jail doing your so-called sentence in  
6 this case, you made phone calls to people like Teddy Berenson,  
7 didn't you?

8 A. Possibly.

9 Q. Do you remember telling Teddy Berenson that you had made  
11:44 10 peace with yourself concerning 19 of the 20 murder victims that  
11 you were involved in because the 19 of the ones that you made  
12 peace with, they were dirty?

13 A. I don't remember anything like that.

14 Q. Well, when you say you don't remember, are you saying you  
15 didn't say that?

16 A. I say I don't remember it. I probably didn't say it, but  
17 I don't remember it because I got a pretty good memory.

18 Q. Okay. So, do you remember you were calling Teddy Berenson  
19 when you were in jail?

11:45 20 A. I don't remember when.

21 Q. And you're saying, as you sit there today under oath, that  
22 you never told Mr. Berenson that you made peace with killing 19  
23 of the 20 people because they were dirty?

24 A. No.

25 Q. That didn't happen?

1 A. That didn't happen.

2 Q. And you're certain about that?

3 A. Pretty certain.

4 Q. When you say pretty certain, how certain are you?

5 A. I'm pretty certain I didn't say it.

6 Q. Let's talk about some of your murders. You murdered  
7 John Banno didn't you?

8 A. Yes.

9 Q. And his nickname was "Touch"?

11:46 10 A. Touch.

11 Q. Do you know why his name was Touch?

12 A. No.

13 Q. Did you know him before the day you murdered him?

14 A. I seen him around.

15 Q. Did you know him?

16 A. Might have said hello.

17 Q. There was something about him that you were upset with,  
18 wasn't there?

19 A. I don't recall what you're talking about.

11:46 20 Q. Well, when you went up to him, it wasn't because you were  
21 trying to be a vigilante for a friend, you went up to him  
22 because you were mad at him, weren't you?

23 A. No, I didn't go up to him, he approached me.

24 Q. Didn't you have an issue regarding other friends with  
25 Mr. Banno?

1 A. He did.

2 Q. What was the issue?

3 A. He had shot a friend of mine, at a friend of mine.

4 Q. So after he shot at a friend of yours, he came out of a  
5 bar and just approached you?

6 A. No, he was just staring at me at the bar, I was with a  
7 girl on a date, and he was staring at me, and he made an  
8 approach at me, you know, when I came out of the bar.

9 Q. When you were in the bar and he was staring at you and you  
11:46 10 were on a date, that offended you, didn't it?

11 A. No.

12 Q. Well, you made note of it?

13 A. I didn't care for the guy.

14 Q. Well, when he was staring at you, did you go over and ask  
15 him what he was staring at?

16 A. No, I didn't.

17 Q. Did you run away?

18 A. No, I didn't.

19 Q. But you thought it was important enough to remember it?

11:47 20 A. I remember him staring at me, then he came out of the  
21 alleyway when I came out.

22 Q. And you, Mr. Martorano, didn't care that he was staring at  
23 you when you were on a date?

24 A. Didn't bother me that much.

25 Q. I see. He came over to you, and without any provocation,



1 you say he pulled a knife?

2 A. Yeah, we started talking about some bullshit, who knows,  
3 and then he pulled a knife.

4 Q. Well, tell us.

5 A. It looked like he was just trying to stab me, that's all.

6 Q. What was he talking about before he tried to stab you?

7 A. Friends, got the wrong friends, I got better friends than  
8 you and stuff like that.

9 Q. So here's a guy who is inside a bar during a date is  
11:47 10 staring you down, when you come outside, he approaches you, and  
11 he's talking about your friends, and you weren't upset at all?

12 A. Yeah, I was upset.

13 Q. What did you say to him?

14 A. I don't remember.

15 Q. Well, were you speaking nicely to him?

16 A. I don't remember what I said.

17 Q. What was your voice like, your tone?

18 A. I have no idea.

19 Q. Were you yelling?

11:48 20 A. I don't know.

21 Q. So when he came to you, how close to you did he get?

22 A. He got close. He was in the alley.

23 Q. Where was your date at this point, sir?

24 A. She was nearby or heading to the car, one way or the  
25 other.

1 Q. Do you know?

2 A. No.

3 Q. When he, you say, tried to stab you, did he stab you?

4 A. No.

5 Q. Did you have any stab wounds to your body?

6 A. No.

7 Q. Did you have any marks or scratches?

8 A. No.

9 Q. In fact, that knife of his never stabbed you, did it?

11:48 10 A. No.

11 Q. And what did you do?

12 A. Stabbed him.

13 Q. Did you take his knife, or did you --

14 A. I had a knife, and I took his knife also.

15 Q. What did you do first?

16 A. I think I took his knife.

17 Q. What knife did you stab him with?

18 A. Maybe his at that time and maybe mine later.

19 Q. You don't remember?

11:48 20 A. No.

21 Q. Was there two different types of stab wounds on his body  
22 you later found out?

23 A. No, probably one knife.

24 Q. Did you later find out through records and speaking to the  
25 State Police that there were two different types?

1 A. No.

2 Q. I see. And when you had his knife out of his hand, he no  
3 longer had a knife in his hand, did he?

4 A. No.

5 Q. You had two knives?

6 A. Yeah, but I'm not sure I took mine out yet.

7 Q. So you had one knife maybe in your pocket, right?

8 A. Correct.

9 Q. Had another knife in your hand?

11:49 10 A. Correct.

11 Q. No wounds to you?

12 A. No.

13 Q. Hadn't been stabbed?

14 A. Right.

15 Q. Right. Was he bigger than you?

16 A. No.

17 Q. Was he scary?

18 A. I don't know.

19 Q. Okay. And after you took his knife away from him, you  
11:49 20 didn't walk away?

21 A. No.

22 Q. You didn't call for help?

23 A. No.

24 Q. You stabbed him?

25 A. Yes.

1 Q. Tell the jury where you first stabbed him when you began  
2 stabbing him.

3 A. In the chest area.

4 Q. And you knew that's where the heart is, didn't you?

5 A. Yeah.

6 Q. So this man who hadn't touched you, just threatened you at  
7 that point, you thought that it was appropriate to stab him in  
8 the heart?

9 A. What happened, I was drinking, he was drinking, it was the  
11:50 10 heat of the night.

11 Q. Is the drinking part supposedly an excuse now?

12 A. No, no.

13 Q. Because you don't need to have alcohol or drugs in your  
14 body to kill people, do you?

15 A. No.

16 Q. You do it when you're sober?

17 A. Correct.

18 Q. So when you say he was drinking, that really has nothing  
19 to do with it, does it?

11:50 20 A. With him drinking maybe.

21 Q. How about you?

22 A. No.

23 Q. You saw this man who stared you down with a girlfriend in  
24 the bar, right?

25 A. Correct.

1 Q. Had the audacity to approach you outside in an alley?

2 A. Correct.

3 Q. Hadn't touched you physically? Yes?

4 A. Correct.

5 Q. Was unarmed?

6 A. No, he was armed, I was unarmed at the time.

7 Q. After you took the knife away from him, he was unarmed?

8 A. Pardon me.

9 Q. After you took his knife supposedly away from him, he was  
11:50 10 unarmed?

11 A. I didn't know that for sure. I know I took the knife.

12 Q. So now when you stabbed him in the heart, when you didn't  
13 see any knife, were you concerned that maybe he was going to  
14 pull out a second knife, sir?

15 A. I don't know if it was the heart. It was in the chest  
16 area.

17 Q. When you stabbed him in the chest area, did you think you  
18 needed to do that in self-defense, sir?

19 A. It was just a reaction, I guess.

11:51 20 Q. That's a natural reaction for you is when somebody gives  
21 you a hard time, you kill them?

22 A. I had never stabbed anybody, but I did that night.

23 Q. Well, what was going through your mind? Tell the jury  
24 what was going through your mind when you saw this unarmed man  
25 after you took his knife away standing in front of you?

1 A. I also thought about my other friends that he had shot at  
2 were his friends, but I don't think it had anything to do with  
3 it.

4 Q. So you're intimating this is a vigilante thing, too?

5 A. No.

6 Q. So, tell us, you still haven't told us, tell the jury  
7 what's going through your mind when you stabbed this unarmed  
8 man in the chest.

9 A. I didn't know if he was still unarmed.

11:51 10 Q. Well, did you look at him?

11 A. I picked him up and put him in my car.

12 Q. Before you stabbed him in the chest, did you look at him  
13 as you were standing there?

14 A. Yeah, he looked wild.

15 Q. Did he have a gun in his hands?

16 A. No, he didn't have a gun.

17 Q. Did he have a knife in his hands?

18 A. He had a knife in his hands.

19 Q. After you took it away, sir?

11:52 20 A. No, he didn't after I took it away.

21 Q. Did you see any other weapon in his hands whatever?

22 A. No.

23 Q. Like you said Mr. Veranis and everybody else who put you  
24 in this position, did you see him make a motion that made you  
25 think self-defense?

1 A. Yes.

2 Q. What did he do?

3 A. Well, he was coming at me and he was yelling.

4 Q. And you took the knife away?

5 A. Yes.

6 Q. So that means you --

7 A. It was just a quick reaction.

8 Q. So it was just an automatic reaction for you to stab?

9 A. It was automatic then, that night, yes.

11:52 10 Q. So you weren't really thinking at all, you just took the  
11 knife and stabbed him?

12 A. I wasn't intending on killing him. I didn't go looking  
13 for him. I was just trying to leave.

14 Q. He brought the fight to you?

15 A. Yes.

16 Q. And you ended it?

17 A. Yes.

18 Q. For good?

19 A. Yeah.

11:52 20 Q. And you didn't just stab him in the chest once, sir, did  
21 you?

22 A. A few times later.

23 Q. Well, what do you say a few is? Give us a number.

24 A. I don't know.

25 Q. You said a few. What do you think?

1 A. It could have been multiple amount of times. You know, I  
2 don't know. I read a report that had a lot more times than I  
3 stabbed him, I thought.

4 Q. Before we get to the report, let's talk about what you  
5 meant by a few. How many times are you telling this jury you  
6 stabbed him?

7 A. I thought I stabbed him two, three or four at the most.

8 Q. After the first stab wound in the chest, there was indeed  
9 more stabbing?

11:53 10 A. No, I put him in the car. I was trying to drive him  
11 someplace where he can go to a hotel -- a hospital.

12 Q. Your story today is that when you were outside, you only  
13 stabbed him once in the chest?

14 A. Yeah.

15 Q. Before you got him into the car, you hadn't stabbed him a  
16 second time; is that what your story is?

17 A. I don't believe so.

18 Q. You say you don't believe so. You were there. What do  
19 you remember?

11:53 20 A. I don't think so.

21 Q. Okay. So you think you only stabbed him once, and then  
22 you drag him to your car?

23 A. Yeah. It was two o'clock in the morning. I had been  
24 drinking, so that's my best recollection.

25 Q. Was he asking you for help after you stabbed him in the



1 chest?

2 A. Not that I remember.

3 Q. Was he saying, Mr. Martorano, you just stabbed me in the  
4 chest, please take me to a hospital?

5 A. No, he was more calling me an "MF" and stuff like that and  
6 arguing and looking to fight.

7 Q. So this person that wanted to fight that you just stabbed  
8 him in the chest, you didn't let him leave, you dragged him to  
9 your car?

11:54 10 A. Correct.

11 Q. You were forcing help on him with the hospital, right?

12 A. I wanted to drop him off someplace away from where we  
13 were.

14 Q. Because you didn't want people to find his dead body there  
15 and know that you were the one that killed him, right?

16 A. I wasn't going to kill him.

17 Q. He was bleeding from the chest, wasn't he?

18 A. I'm sure he was, but I didn't see the blood.

19 Q. I see. You knew that he could die after you stabbed him  
11:54 20 in the chest, didn't you?

21 A. It's possible.

22 Q. And you were most concerned not with hiding him or his  
23 body, but you were most concerned with medical attention for  
24 Mr. Banno?

25 A. I didn't want to kill him, I didn't want to get in trouble

1 for killing him, I just took him to try to put him someplace  
2 he'd get his way to the hospital.

3 Q. About a hospital, sir?

4 A. Pardon me.

5 Q. Did you bring him to a hospital?

6 A. No, I didn't.

7 Q. So when you were dragging him to the car after you stabbed  
8 him in the chest, are you saying that your motive for putting  
9 him in the car was you wanted to get him first aid?

11:55 10 A. I wanted to get him out of there, slow him down, that's  
11 all.

12 Q. Right. You wanted to get him away from the scene so you  
13 wouldn't get in trouble for stabbing him?

14 A. Probably.

15 Q. So when you said on direct examination that you were  
16 getting him in the car so you could give him medical attention,  
17 that wasn't very candid, was it, Mr. Martorano?

18 A. I don't remember saying that on direct.

19 Q. You didn't say on direct that you were trying to get him  
11:55 20 to a hospital?

21 A. I don't recall.

22 Q. Because if you said something like that, that would make  
23 no sense, would it?

24 A. Yes, it would, to me.

25 Q. So if you said something like you were trying to get him

1 to a hospital, would that be a lie?

2 A. No.

3 Q. So you were trying to get him to a hospital?

4 A. I was trying to get him to get into a position so he could  
5 get to a hospital.

6 Q. Didn't you just say a second ago that you were trying to  
7 get him away from the scene so you wouldn't get in trouble?

8 A. That's possible.

9 Q. So, which was it, Mr. Martorano, were you trying to get  
11:56 10 him away from the scene to cover up your crime, or were you  
11 trying to get him to a hospital to render first aid?

12 A. I was trying to do both probably.

13 Q. Don't say probably. You said two different things. Which  
14 one was it?

15 A. I don't know. I was trying to get him away from the scene  
16 and to a place where he could get to a hospital. I didn't  
17 think it would go further than that.

18 Q. Let's start over. Forget about the earlier testimony and  
19 my questions. Why were you taking him to the scene?

11:56 20 MR. WYSHAK: Objection. It's been asked and answered.

21 THE COURT: Sustained as to this area, counsel.

22 Q. And so you say you stabbed Mr. Banno once, you have him in  
23 the car, right?

24 A. It happened what?

25 Q. After you stabbed him once, this unarmed man, you grabbed

1 him to your car?

2 A. Yes.

3 Q. Was he screaming when you were dragging him to the car?

4 A. In the car.

5 Q. But we're not talking about the stabbings in the car, I  
6 want to talk about on the way to the car first.

7 A. I don't think so.

8 Q. Okay. So you're dragging him to the car. Is he yelling  
9 to leave him alone?

11:57 10 A. No, he was fighting and arguing.

11 Q. How did you get him in the car if he was fighting and  
12 arguing?

13 A. Just pushed him in the car. He got in.

14 Q. How?

15 A. Just opened the door, and he jumped him. I might have  
16 told him I was taking him to the hospital. I don't know. He  
17 got in.

18 Q. Well, you said he was fighting. Did he voluntarily get in  
19 your car, or did he fight you on the way in the car?

11:57 20 A. Probably half and half.

21 Q. Have you ever tried to get a fighting person in the car,  
22 Mr. Martorano --

23 A. I don't know.

24 Q. -- other than Mr. Banno?

25 A. I don't know, maybe.

1 Q. Well, how did you force him in the car when he was  
2 fighting you?

3 A. I opened the door and he got in.

4 Q. Was your girlfriend still in the car?

5 A. She was driving.

6 Q. And you were in the passenger's seat?

7 A. And I was in the passenger's seat in front.

8 Q. Which hand was the knife in, sir?

9 A. I don't know, probably my right hand.

11:58 10 Q. When you got in the car after Mr. Banno jumped in, did he  
11 say something to you that offended you?

12 A. I don't remember.

13 Q. Well, you told Mr. Wyshak that he was "mouthing off."

14 A. I told you that, too, I said he's making a lot of noise,  
15 yelling and screaming.

16 Q. You used the term "mouthing off," didn't you?

17 A. I don't remember.

18 Q. Mouthing off is different than yelling and screaming,  
19 isn't it?

11:58 20 MR. WYSHAK: Objection. This is argumentative.

21 THE COURT: Counsel, overruled.

22 MR. BRENNAN: Credibility, your Honor.

23 THE COURT: I said overruled.

24 MR. BRENNAN: Thank you.

25 Q. You used the term "mouthing off," didn't you,

1 Mr. Martorano?

2 A. I don't recall.

3 Q. Okay. When someone is mouthing off, does that mean  
4 they're talking to you negatively?

5 A. It could be.

6 Q. Was he crying?

7 A. I don't think so, no.

8 Q. When he was screaming, was he screaming in pain?

9 A. No, he was screaming in madness.

11:59 10 Q. In madness. And this is the same person you wanted to get  
11 into your car?

12 A. Who what?

13 Q. This is the same person that you forced to get into your  
14 car?

15 A. I opened the door, he got in.

16 Q. When he was in the back seat in madness, he didn't pull  
17 out a weapon, did he?

18 A. No, I may have said to get in, I'll drive you to the  
19 hospital, I'll drop you off or get you someplace, get you some  
11:59 20 help. I don't recall the whole scene that night. It's 40  
21 years ago.

22 Q. When you say you don't recall, why are you saying that you  
23 may have done good things like take him to the hospital or  
24 tried to help him?

25 A. I intended to take him to a place where he could get his

1 way to the hospital.

2 Q. Couldn't he get his way to the hospital --

3 A. I didn't want to take him to the hospital because I had  
4 stabbed him. I didn't want to get arrested with that.

5 Q. Couldn't he get his way from the hospital at the Sugar  
6 Shack?

7 A. I don't recall.

8 Q. Isn't there hospitals around that area?

9 A. I don't know.

11:59 10 Q. If you left him after you stabbed him once, he could have  
11 made his way to the hospital without you, couldn't he?

12 A. Possibly.

13 Q. So you weren't really concerned about getting him to the  
14 hospital?

15 A. I didn't have the intention to take him someplace else and  
16 kill him at that point.

17 Q. That's not my question.

18 A. I don't know what your question is. Repeat it.

19 Q. I will. My point is you were not trying to take him to  
12:00 20 the hospital, were you?

21 A. I had that intention.

22 Q. I see. And so instead of taking him to the hospital when  
23 he was in the back seat of the car, you turned around and you  
24 stabbed him again?

25 A. At some point, yeah.

1 Q. What was it that provoked you to stab him the second time,  
2 sir?

3 A. I'm not sure at this point.

4 Q. Well, if you give it some thought, could you tell us what  
5 it was?

6 A. It's too long ago. It's 40 years. I don't remember.

7 Q. You remember a lot of details from 40 years?

8 A. I remember a lot of details. Back there, I don't remember  
9 everything.

12:00 10 Q. Well, you remember that he pulled a knife on you?

11 A. Yes.

12 Q. You remember he was mouthing off to you?

13 A. Yes.

14 Q. You remember when you supposedly let him out of the car he  
15 was still alive?

16 A. He was.

17 Q. And so how many times would you say when he was in the  
18 back seat of your car you thought it was appropriate to stab  
19 him?

12:01 20 A. Maybe once more. I don't know.

21 Q. Okay. So when you said you stabbed him a few times,  
22 you're saying two or three?

23 A. I say two, three, four. Later maybe a couple more. I  
24 don't know.

25 Q. Well, why would you stab him again a couple more times?



1 A. Because he wouldn't shut up.

2 Q. And if somebody doesn't shut up near Johnny Martorano, it  
3 equates to a stabbing?

4 A. This is the only person that I remember stabbing.

5 Q. And so when people don't shut up, that gets you angry  
6 enough to stab them?

7 MR. WYSHAK: Objection.

8 THE COURT: Sustained.

9 Q. Did anybody else stab him in that car other than you?

12:01 10 A. No.

11 Q. Would you call it a savage attack by you?

12 A. I don't know.

13 Q. How many stab wounds did you learn were on Mr. Banno's  
14 body? Could you tell the jury, please.

15 A. Somebody told me 20.

16 Q. That's more than a few, isn't it?

17 A. I don't think I did that.

18 Q. Did you see anybody else in the car stabbing him?

19 A. No.

12:02 20 Q. Was your date stabbing him?

21 A. No.

22 Q. When you threw him on the side of the road, did you see  
23 anybody run up and stab him, sir?

24 A. No.

25 Q. So you're saying you didn't cause those 20 stab wounds?

1 A. I didn't what?

2 Q. You didn't cause those 20 stab wounds?

3 A. I don't believe so, no. I didn't think there was that  
4 many.

5 Q. Where is it that you threw Mr. Banno's body?

6 A. In an alley.

7 Q. Was that alley anywhere near a hospital?

8 A. It was in the south end. I don't think it was too close  
9 to a hospital, a mile.

12:02 10 Q. Do you anonymously call an ambulance to the hospital to  
11 let them know that the man --

12 A. No.

13 Q. -- who was stabbed 20 times was waiting for them?

14 A. No.

15 Q. Did you do anything to render the first aid that you  
16 sought when you first got him in the car?

17 A. No. At that point I stabbed him a few more times, and  
18 then I don't think he could get to a hospital. I thought it  
19 was too late then.

12:03 20 Q. You knew you had just taken his life?

21 A. Yes.

22 Q. Yesterday you were describing some of your emotion, and  
23 you talked about the fact that at one point your heart was  
24 "broken" was the word you used, right?

25 A. Yes, at some point yesterday with these guys.

1 Q. Suggesting you had this capacity for deep emotion, right?

2 MR. WYSHAK: Objection.

3 A. I think I do.

4 THE COURT: Overruled.

5 Q. Was your heartbroken when you killed Elizabeth Dickson?

6 A. Yes, it was.

7 Q. And Douglas Barrett?

8 A. Yes, when I found out who was in the car. I thought it  
9 was three guys, like I said.

12:03 10 Q. When you killed that girl and that boy, did you think  
11 about their family?

12 A. Of course.

13 Q. Did you think about their mother?

14 A. Of course.

15 Q. Did you read the reports about the mother going down to  
16 the morgue?

17 A. No.

18 Q. Giving repose for her daughter's soul?

19 A. No.

12:04 20 Q. Did you think about the family suffering when you put the  
21 gun to Ms. Dickson's head?

22 A. Sure.

23 Q. Before or after?

24 A. I didn't know who it was at the time, I thought it was  
25 three guys, like I told you.

1 Q. So if it was a guy, you wouldn't have thought about the  
2 suffering of the family?

3 A. Not the same.

4 Q. I see. So if it's a man rather than a woman, then you  
5 have a different feeling about it, right?

6 A. Yes.

7 Q. How about the 17 year-old boy, Mr. Barrett?

8 A. I didn't think -- I thought it was a guy who had a big  
9 hood on. I thought it was three guys. I didn't know he was 17  
12:04 10 or 18 or whatever.

11 Q. Did you feel less bad since he wasn't a woman?

12 A. No, I felt bad about him.

13 Q. You claim that you read about the murders. Where did you  
14 read about the murders?

15 A. I heard about it.

16 Q. Who did you hear it from?

17 A. I heard it in the morning. I don't know where I heard it.  
18 I heard it on the radio, I think. I heard it somewhere in the  
19 morning. I'm not sure if it was somebody I talked to or what.

12:05 20 Q. Well, if you heard it on the radio, how do you know this  
21 was your murders because you didn't know that you killed a boy  
22 and a girl?

23 A. Three in Roxbury, I thought that it was me.

24 Q. People were getting killed all the time in Roxbury,  
25 weren't they?

1 A. Well, I didn't kill people all the time in Roxbury, this I  
2 did.

3 Q. And you were certain that this was your killing when you  
4 heard about it?

5 A. I was hoping it wasn't. I would have thought it was mine.

6 Q. Did you go look into it?

7 A. Yeah, I looked into it, and I found out it was true.

8 Q. How did you look into it?

9 A. I don't recall.

12:05 10 Q. Well, how did you learn?

11 A. I don't recall.

12 Q. Did you find out that she was just 19 years old?

13 A. I didn't find out that until later at some point.

14 Q. At some point did you find out that the boy was just 17?

15 A. At some point later.

16 Q. Did you learn anything about her, her schooling, her  
17 hobbies?

18 A. No, I had read the papers and stuff, that's all I know.

19 Q. You had felt so bad, did you look in to see a little bit  
12:06 20 about the person you just murdered?

21 A. There was nothing I could do about it.

22 Q. You said you felt bad?

23 A. I did feel bad. I still feel bad. It's the worst thing I  
24 did, but I can't change it.

25 Q. Before you shot these two kids and Mr. Smith, you were

1 planning on murdering that night, weren't you?

2 A. Mr. Smith.

3 Q. And the reason why is you heard that Mr. Smith had beaten  
4 up your friend, Stephen Flemmi?

5 A. Correct.

6 Q. And it wasn't just Mr. Smith who had beaten up Mr. Flemmi,  
7 was it?

8 A. Correct.

9 Q. It was Mr. Smith and Mr. Lammata?

12:06 10 A. LaMattina.

11 Q. LaMattina. And who else?

12 A. There was another guy with him.

13 Q. Cincotti?

14 A. I think so.

15 Q. And Mr. LaMattina, you knew that he was a capable man,  
16 didn't you?

17 A. Yes.

18 Q. You know that he was a made man?

19 A. I don't know if he was a made man, it was a career.

12:07 20 Q. He affiliated with the mafia?

21 A. I didn't know if he was.

22 Q. And you knew that he could defend himself, didn't you?

23 A. Yeah.

24 Q. Well, you knew that he, being a member of the mafia,  
25 wasn't opposed to violence, right?

1 A. Right.

2 Q. Wasn't opposed to fighting back?

3 A. Right. Neither was Smith.

4 Q. Thank you. So when you, Mr. Martorano, learned that  
5 Mr. Smith, Mr. LaMattina and Mr. Cincotti had beat up  
6 Stephen Flemmi, you decided that you weren't going to target  
7 Mr. LaMattina, the capable man, you instead decided to target  
8 Mr. Smith?

9 A. No, I went down there to find out what happened. Smith  
12:07 10 was there, they weren't there. This is what happened.

11 Q. Did you go looking for the other two men who beat up  
12 Stephen Flemmi?

13 A. I found Smith. I didn't go looking for them.

14 Q. After did you go find the other people who had done this?

15 A. No, I didn't.

16 Q. Because as a vigilante, didn't you want to avenge  
17 Stephen Flemmi?

18 A. I think I did.

19 Q. By killing one of the three men?

12:08 20 A. Yes.

21 Q. The weakest of the three?

22 A. I don't know if he was the weakest of the three.

23 Q. Is there any reason why you wouldn't go to somebody who  
24 was in the mafia and kill them?

25 A. No.

1 Q. You were afraid of repercussions?

2 A. No.

3 Q. Afraid someone would fight back?

4 A. No.

5 Q. Afraid maybe you couldn't sneak up on him?

6 A. No.

7 Q. And so what you did is you waited until Mr. Smith and his  
8 two passengers were in a secluded area, didn't you?

9 A. Yeah. Where I was supposed to meet them, yeah.

12:08 10 Q. Now, you don't want to admit that you killed a young  
11 woman, do you, on purpose?

12 MR. WYSHAK: Objection. "You don't want to admit?"

13 THE COURT: Well, sustained as to the form, counsel.

14 Q. Do you have any hesitation admitting that you knew this  
15 was a young girl before you killed her?

16 A. If that's what I knew before I killed her, I would have  
17 said that.

18 Q. And so what you've said is that you couldn't tell if they  
19 were young children or adults, adult men because they had hoods  
12:09 20 on?

21 A. They were full grown with hoods on, yes.

22 Q. And at some point the State Police obtained the file from  
23 Boston Police Department, didn't they?

24 A. I guess so. I don't know.

25 Q. When you talked to the State Police and they did all these



1 interviews, and we'll talk about them later, they shared with  
2 you some of the facts and details of these murders when you  
3 talked to them, didn't they?

4 A. I read some reports. I don't remember reading anything  
5 there.

6 Q. You'd tell them a little bit about something you had done,  
7 they'd get the case file, and then you would discuss it, right?

8 A. I don't remember.

9 Q. You don't remember sitting down discussing the case?

12:09 10 A. Not that incident.

11 Q. Okay. Generally, when you're discussing your 20 murders  
12 with the State Police, do you remember, as you would talk about  
13 the murders, they would get the documents to see if you were  
14 accurate?

15 A. At some point, yeah.

16 Q. And at some point they would show you some of the stuff?

17 A. Correct, to see if I was on the money.

18 Q. Not to belabor this because we're going to come back to  
19 it, when you say there was hoods, you know that there were the  
12:10 20 autopsy report and crime scene reports in that file from  
21 Ms. Dickson, don't you?

22 A. Correct.

23 Q. And you know that none of those three people in any of the  
24 property were wearing hoods on their clothes; you know that,  
25 right?

1 A. Okay. But from where I was, it looked like three people  
2 with hoods on because it was the silhouette that I saw.

3 Q. And you're telling everybody that you didn't know it was a  
4 girl because they were wearing a hood, the truth is you know  
5 they didn't have hoods on, right?

6 A. I didn't see anybody. When I got in the car, I just  
7 started shooting. I didn't see anybody except coming into the  
8 car.

9 Q. You saw well enough to put the gun to the back hair of Ms.  
12:10 10 Dickson and shoot her through the head, right?

11 A. I didn't put it to the head, I just shot at a silhouette.  
12 After I shot Smith, everything went blind after the first shot  
13 in the car. If you try that sometime, you'll see, and I just  
14 saw silhouettes, and that's it, and it took about three  
15 seconds.

16 Q. And your three accurate shots hit all three silhouettes  
17 behind the ear?

18 A. That's it. Where they hit, I don't know where they hit.

19 Q. Have you had a lot of practice shooting at silhouettes,  
12:11 20 sir?

21 A. No.

22 Q. You've tried to suggest for decades, Mr. Martorano, that  
23 you didn't know before you shot the girl that she was a girl,  
24 didn't you?

25 A. Correct.

1 Q. And you've put that in your book, right?

2 A. I don't know if it's in the book.

3 Q. You've told that to the police, you've told it to the  
4 State Police, right?

5 A. Uh-hum.

6 Q. You've told it to the federal authorities, Mr. Wyshak?

7 A. Correct.

8 Q. Right? That's been your story for decades, right?

9 A. Correct.

12:11 10 Q. And you're telling us now that you know they were not  
11 wearing hoods?

12 A. No, I don't know that if they were wearing hoods or not.  
13 I saw silhouettes. It appeared to me that there was hoods, but  
14 that's all I know.

15 Q. You didn't say to the State Police or the federal  
16 authorities it appeared that it may have been a hood, it was  
17 just a silhouette, you said they were wearing hoods?

18 A. Well, I also said it was silhouettes or hoods. All I saw  
19 was three shadows. It was a blizzard, and there was three  
12:12 20 shadows. I saw it through the window.

21 Q. You saw silhouettes when you were outside of the window  
22 until you got in the car?

23 A. Right, then I couldn't see anything after I got in.

24 Q. You said when you got in the car, Mr. Martorano, you  
25 didn't know it was a girl because they were wearing hoods,

1 that's what you said for decades?

2 A. It appeared to be hoods, it appeared to be -- it was dark.

3 Q. You didn't say it was dark, you said they were hoods,  
4 didn't you?

5 A. They appeared to be wearing hoods.

6 Q. That's not true --

7 A. That's true.

8 MR. WYSHAK: Objection.

9 THE COURT: Sustained.

12:12 10 MR. BRENNAN: I didn't finish the question.

11 THE COURT: Oh, you can reframe a question, counsel.

12 Q. Mr. Martorano, that's not true --

13 A. Yes, it is.

14 Q. Can I finish the question, please -- you knew they weren't  
15 wearing hoods, and you always knew that, didn't you?

16 MR. WYSHAK: Objection. This has been asked and  
17 answered.

18 THE COURT: Sustained as to asked and answered,  
19 counsel.

12:13 20 Q. Let's talk about Tony Veranis. Did you know Mr. Veranis  
21 before you murdered him?

22 A. No.

23 Q. You knew about him, didn't you?

24 A. I knew that he had an incident the night before with my  
25 brother.

1 Q. He wasn't going to testify in court against your brother,  
2 was he?

3 A. No.

4 Q. He wasn't threatening to kill your brother, right?

5 A. He what?

6 Q. He wasn't threatening to kill your brother?

7 A. Not that I know of.

8 Q. Okay. And so when you decided that you were going to have  
9 this confrontation with Mr. Veranis, you knew that he had  
10 embarrassed your brother?  
12:13

11 A. I didn't decide to have a confrontation with Veranis,  
12 Veranis approached me at the bar and introduced himself.

13 Q. Before Mr. Veranis came to the bar and introduced himself,  
14 you knew he embarrassed your brother, didn't you?

15 A. Yeah.

16 Q. And your brother told you he was embarrassed?

17 A. Yeah.

18 Q. And that made you angry, didn't you?

19 A. Yeah, but I wasn't going looking for Veranis.

12:14 20 Q. I didn't ask that. And so when you saw Mr. Veranis that  
21 night, you saw him as the person who had embarrassed your  
22 brother, didn't you?

23 A. No, I didn't. I didn't even have a chance to think that.  
24 He walked up, approached me.

25 Q. And that you say when he walked up and approached you, you

1 had no intention of having a fight with him?

2 A. None.

3 Q. You claim he pulled out a gun?

4 A. He reached for it. He started yelling and screaming that,  
5 You, mother -- You, MF this, You, MF that, and I gave your  
6 brother a beaten the night before, and, FU, then he went to  
7 grab a gun. He was drunk.

8 Q. He was drunk, too?

9 A. I would think he's drunk, he's there at three in the  
12:15 10 morning, and it's an after-hour joint.

11 Q. Were you drunk?

12 A. I was drinking.

13 Q. Were you drunk?

14 A. No, I wasn't drunk I don't think.

15 Q. Then why was he drunk because he was there at that time?

16 A. It appeared to be the way he was acting.

17 Q. He was out of control, too?

18 A. He seemed to be.

19 Q. I see. Like Banno?

12:15 20 A. Yeah, he seemed to be.

21 Q. Were they very similar in the way they were out of control  
22 towards you?

23 A. I don't know. Maybe.

24 Q. Well, describe what he was doing other than swearing?

25 A. He was coming at me, and he's a tough kid. I knew his

1 reputation from the night before, and then I heard a little bit  
2 about him, and when he got close to me, he went to pull a gun,  
3 and I shot him.

4 Q. You saw this gun that he went to pull?

5 A. Yeah.

6 Q. Where was it?

7 A. It was in his waist.

8 Q. Well, what did it look like?

9 A. I didn't see what it looked like, I just knew he had a gun  
12:15 10 in his waist.

11 Q. Did you see what it looked like after you took it with  
12 you?

13 A. I didn't take it with me.

14 Q. You didn't say in other testimony that you took the gun  
15 with you?

16 A. Maybe "Tash" took it with him, I don't know.

17 Q. Did you say that you took it with you?

18 A. I don't recall saying that.

19 Q. So, you say you have no memory of what the gun looked like  
12:16 20 that he supposedly was going to shoot you with?

21 A. I don't remember.

22 Q. You shot him?

23 A. I shot him, yeah.

24 Q. Tell the jury where you shot him.

25 A. In the head.

1 Q. How many times did you shoot him?

2 A. Once.

3 Q. Did you beat him up before you shot him?

4 A. No.

5 Q. You know that the government got the medical records for  
6 that case as well?

7 A. Correct.

8 Q. And that he had seven pistol whippings on him?

9 A. No, I didn't hit him. I might have hit him with the gun  
12:16 10 when I shot him, but that's it.

11 Q. Where did you shoot him?

12 A. In the head.

13 Q. Okay. Did someone pistol whip him after you shot him?

14 A. Not that I know of.

15 Q. After you shot him, he was dead, wasn't he?

16 A. Yeah.

17 Q. Did you see anybody come up to the body and pistol whip  
18 it?

19 A. No.

12:16 20 Q. Well, you were looking at the body because you took it  
21 with you, didn't you?

22 A. Yes, I did.

23 Q. Did he have pistol whippings on his head before he came up  
24 to you; is that what he was mad about?

25 A. I don't know.



1 Q. Did you notice anything about his head that would show  
2 those type of wounds?

3 A. I didn't notice anything about his head.

4 Q. So, are you saying that you didn't shoot him because he  
5 embarrassed your brother?

6 A. I shot him because he was pulling a gun on me.

7 Q. What kind of gun were you using?

8 A. I think it was like a .38.

9 Q. Is that a typical gun that you would carry, or did you  
12:17 10 carry --

11 A. Snubnose .38, yeah.

12 Q. Did you carry the same gun all the time or different ones?

13 A. A lot of times I carried a Snubnose .38 because I always  
14 kept it in my pocket.

15 Q. Did you take it in case you wanted to shoot somebody?

16 A. Yes, and I always took it in after-hours joints, too.

17 Q. You put bullets in it?

18 A. Of course.

19 Q. And you always had a gun with you, didn't you?

12:18 20 A. In after-hour joints, yeah.

21 Q. There was a bar full of people when you shot and killed  
22 him?

23 A. Correct.

24 Q. And everybody saw you or many people saw you, you would  
25 imagine?

1 A. I don't know.

2 Q. Certainly helped your reputation, didn't it, sir, that you  
3 shot him in a bar?

4 A. I wasn't thinking of reputation.

5 Q. Didn't you say on *60 Minutes* that you liked to be  
6 respected?

7 A. Who doesn't?

8 Q. Other than murdering all these people, what did you do to  
9 get respected, sir?

12:18 10 A. I always tried to help people, too.

11 Q. I see. So the respect that everybody would have for you  
12 is because you murder people to help people?

13 A. No, I always try to be a nice guy.

14 Q. I see. Well, you weren't a nice guy to Mr. Veranis that  
15 night, were you?

16 A. And other times also.

17 Q. What were the nice things that you were doing for people  
18 that --

19 A. If somebody was in trouble, I would try to help them,  
12:19 20 financially, whatever.

21 Q. Give us an example.

22 A. Many people I helped with money.

23 Q. Give us an example.

24 A. I don't know any offhand.

25 Q. Not only did you kill people that you had words with, you

1 killed one of your best friends, didn't you, Mr. Callahan?

2 A. Unfortunately, yes.

3 Q. And before you killed Mr. Callahan, you made the decision  
4 in your mind that you were going to kill him, didn't you?

5 A. Yes, after we -- after we -- like there was two people  
6 wanted him dead, and I didn't, but Mr. Bulger insisted on it,  
7 so that's why we did it.

8 Q. Let's talk about you right now.

9 A. Yeah. Well, that's part of what you're talking about.

12:19 10 Q. No, I'm talking about you.

11 MR. WYSHAK: Objection.

12 Q. You made a decision, sir, that you were going to kill him,  
13 didn't you?

14 A. I made the decision, they sort of made the decision --

15 THE COURT: Mr. Martorano, when there's an objection,  
16 just stop talking so I can make a ruling. Counsel, there's an  
17 objection. I've overruled it. You can reframe the question,  
18 Mr. Brennan.

19 Q. You decided that you were going to kill Mr. Callahan,  
12:20 20 didn't you, Mr. Martorano?

21 A. I went along with Mr. Bulger and Mr. Flemmi from New York,  
22 and I said I agreed to do it, I agreed to go along with it  
23 because they were my partners, and I couldn't vouch for him,  
24 not getting everybody in trouble, so I went along with it, yes.

25 Q. So your answer is yes, you did decide you were going to

1 kill him?

2 A. Yes.

3 Q. And when you decided you were going to kill him, you  
4 selected a gun to do that, didn't you?

5 A. Pardon me.

6 Q. You selected a gun that you were going to use to kill your  
7 friend, didn't you?

8 A. I don't recall. I think Joe had a few guns down there.

9 Q. So you were going to borrow one of your friend's guns?

12:21 10 A. Yeah, I don't think I had any. He had some down there. I  
11 think it was a .22 actually.

12 Q. What kind of .22 did you use to murder your friend?

13 A. I'm not sure. I'm not sure of the gun. I think it was a  
14 .22. I'm not positive.

15 Q. And before you had a chance to murder your friend, you had  
16 to get him down to Florida, didn't you?

17 A. Yes. Again, with the gun. I'm not positive what the gun  
18 was.

19 Q. You didn't want to put him on alert that you were going to  
12:21 20 kill him because then he would never come down, right?

21 A. No.

22 Q. So you had to lie to your friend?

23 A. Yes, I did.

24 Q. And in your past experience and training for yourself, you  
25 got pretty good at lying, didn't you?

1 A. I think anybody that kills somebody has to lie to get it  
2 done.

3 Q. I'm asking about you.

4 A. Yes, I lied.

5 Q. And you were getting pretty good at lying, weren't you?

6 A. I don't know what you mean.

7 Q. Well, when he called you on the phone, you had to disguise  
8 in your voice what your intentions were, didn't you?

9 A. Yes.

12:22 10 Q. You had to lure him calmly down to Florida so he would  
11 have his guard down, right?

12 A. Correct.

13 Q. And you lied about why he was coming down to Florida, you  
14 said to him to come down to Florida because you had some  
15 business, correct?

16 A. I wanted to bring him up to date on what I had heard.

17 Q. Right. You didn't him that he was coming down to die?

18 A. No, I didn't.

19 Q. And when he got down to Florida and got off the plane,  
12:22 20 when you walked up to him, you had a smile on your face, didn't  
21 you?

22 A. I don't recall.

23 Q. Do you recall that you were trying to mislead him into  
24 knowing what's going to happen to him in a few minutes?

25 A. No, I just wanted to put him in the car and get it over

1 with.

2 Q. When you saw him get off the plane, you went and took his  
3 luggage for him, didn't you?

4 A. I grabbed his bag and said hi, that's it.

5 Q. When you said hi to your friend before you murdered him,  
6 did you look him in the eye?

7 A. Yes, I did.

8 Q. And then you walked him to the car where you were going to  
9 kill him?

12:23 10 A. Yes.

11 Q. When you put him in the car, you had him take the front  
12 seat, sir?

13 A. Yes.

14 Q. And where you were going to murder your friend, you wanted  
15 to do it from behind, didn't you?

16 A. Well, I put the gun in the back seat, so that's the way I  
17 arranged it.

18 Q. And part of your planning was that if you were behind him,  
19 he couldn't fight back, right?

12:23 20 A. Maybe.

21 Q. So you were successful lying to him to get him down to  
22 Florida, weren't you?

23 A. Correct.

24 Q. You were a convincing liar, sir?

25 A. I guess so that night.

1 Q. Even to somebody who was a close friend of yours who knew  
2 you well?

3 A. Correct.

4 Q. Someone who knew your mannerisms?

5 A. Correct.

6 Q. Someone who knew your voice?

7 A. Yes.

8 Q. Someone who knew your tendencies?

9 A. Yeah.

12:23 10 Q. When you got into the back seat of the car that you killed  
11 your friend in, did you have any idle conversation with him  
12 before you killed him?

13 A. No, not that I recall.

14 Q. You made a number of preparations before you killed your  
15 friend, didn't you, as far as trying to limit the mess?

16 A. Correct.

17 Q. What did you do?

18 A. I covered the floors and the seats with plastic and  
19 towels.

12:24 20 Q. And why did you do that, Mr. Martorano?

21 A. So it wouldn't make a mess in the car.

22 Q. Whose car was it?

23 A. It was mine.

24 Q. Were you going to keep the car after you murdered your  
25 friend in it?

1 A. Yes.

2 Q. And you wanted it to be clean, didn't you?

3 A. I didn't want it to cause an arrest.

4 Q. What was Joe MacDonald doing before you shot your friend  
5 in the back of the head?

6 A. Sitting in his car waiting.

7 Q. So it was just you and Mr. Callahan alone?

8 A. Uh-hum.

9 Q. His final moments, right?

12:24 10 A. Correct.

11 Q. After you shot Mr. Callahan, by the way, did you shoot him  
12 once or twice in the back of the head the first time?

13 A. I believe it was once.

14 Q. Okay. Then you and Mr. MacDonald stuffed him in the back  
15 of the trunk?

16 A. We transported him from the van to his car, yeah.

17 Q. And who did that, you and Mr. MacDonald?

18 A. Yeah.

19 Q. When you put him in the trunk, you went for a cup of  
12:25 20 coffee after?

21 A. I don't remember that.

22 Q. You waited and watched the car?

23 A. When he was in the car before the place opened, we went  
24 for a coffee to kill some time.

25 Q. When you opened the trunk, Mr. Callahan, there was some



1 moaning?

2 A. When we picked him up and put him in the trunk of his car,  
3 there was a groan came out.

4 Q. And when the groan came out, did you have any second  
5 thoughts about your friend that you had just shot?

6 A. No, Joe said he thought he was alive and shot him a couple  
7 more times.

8 Q. Before Joe shot him a couple more times, when you heard  
9 your friend groan, when you were moving him to the trunk of  
10 your car, his car, rather, did you have any second thoughts  
11 that maybe you would take him out of the wrapper and try to  
12 help your friend?

13 A. I didn't think he was alive.

14 Q. Did you hear the groan?

15 A. Yeah, but I didn't think he was alive.

16 Q. Was there anybody else in the trunk other than  
17 Mr. Callahan?

18 A. No, but bodies can make noise and be dead.

19 Q. Did you look?

12:26 20 A. Yeah. I didn't think he was alive, Joe did.

21 Q. And what did you look and see to see if he was alive?

22 A. I just looked at him, and there was no movement. There  
23 was no breathing.

24 Q. Let's go back to your first murder, sir. You were just 24  
25 years old when you committed your first murder, weren't you?

1 A. I'm not sure what age I was.

2 Q. Well, Mr. Palladino?

3 A. Yeah.

4 Q. Was he the first man you killed?

5 A. Yeah.

6 Q. Now, at the time you killed Mr. Palladino, you were  
7 involved in a number of different types of illegal activity,  
8 weren't you?

9 A. Yeah.

12:27 10 Q. You were into stealing?

11 A. No stealing.

12 Q. Drugs?

13 A. I did drugs. I never sold drugs.

14 Q. What kind of drugs did you do?

15 A. I did marijuana, cocaine.

16 Q. You did cocaine a lot, didn't you?

17 A. Once in a while.

18 Q. Would you consider yourself a drug addict at that time?

19 A. Never.

12:27 20 Q. And, sir, when you were with your friends -- well, let me  
21 strike that. Your family had a bar over at Chandler's?

22 A. Correct.

23 Q. And at some point --

24 A. That wasn't my family.

25 Q. That was your partners?

1 A. Yes.

2 Q. Including your brother?

3 A. Correct.

4 Q. All right. Your family had a restaurant before that where  
5 Ms. Sylvester was?

6 A. Correct.

7 Q. And that's where this all started, didn't it?

8 A. Correct.

9 Q. Ms. Sylvester was killed by one of your friends or your  
12:27 10 brother?

11 A. Correct.

12 Q. And since she was killed, there were people at the bar you  
13 were worried about for witnesses, right?

14 A. Well, I heard they were going to say something against my  
15 brother.

16 Q. Who said they were going to say something against your  
17 brother?

18 A. Stevie Flemmi and Wimpy, I think it was, yeah.

19 Q. So, Stevie said that Mr. Palladino was going to phone to  
12:28 20 say something against your brother?

21 A. Yeah, my brother was getting indicted or got indicted for  
22 accessory after the fact, and these guys were supposed to be  
23 testifying against them or going in to get them indicted, I'm  
24 not sure.

25 Q. And that worried you, didn't you?

1 A. Yes.

2 Q. Because you didn't want your brother to get in trouble?

3 A. No.

4 Q. And you would do anything for your brother, wouldn't you?

5 A. Correct, and he also said he had nothing to do with it.

6 Q. You'd do anything for your brother?

7 A. Yeah.

8 Q. And when you thought your brother, your family member,

9 might be in trouble, you thought you should do something to

12:28 10 help him out, right?

11 A. Correct.

12 Q. So you went and you found Mr. Palladino?

13 A. Correct.

14 Q. All right. Now, at that point Mr. Palladino hadn't gone

15 to court, had he?

16 A. I don't know.

17 Q. Did you ever ask anybody if he had been to court?

18 A. I was trying to get him to come out and talk to me to find

19 out what's going on from what I had heard from Flemmi and

12:29 20 Bennett.

21 Q. Because you wanted to know if he was going to hurt your  
22 brother or not?

23 A. I wanted to find out what was going on and get a reaction,  
24 and I did.

25 Q. And if he was going to hurt your brother, you were going

1 to kill him, weren't you?

2 A. Positively, yeah.

3 Q. And so knowing that you were going to kill him if he was  
4 hurting your brother, you brought a gun with you?

5 A. Correct.

6 Q. What kind?

7 A. .38. No, I'm not sure of that. I'm not sure today.  
8 You'd have to show me a report, and I'll look at it.

9 Q. When you saw Mr. Palladino, you asked him to get into the  
10 car?

11 A. He was upstairs playing cards. I asked him to come down,  
12 I wanted to talk to him.

13 Q. And he came down?

14 A. He came down.

15 Q. You had a number of friends with you?

16 A. My brother with me.

17 Q. Just you and your brother?

18 A. Yes.

19 Q. Because it was your brother's problem, right?

12:29 20 A. Yes, he came with me to look for him.

21 Q. Since it was your brother's problem, that made it your  
22 problem, didn't it, Mr. Martorano?

23 A. Yes, if it was a problem.

24 Q. You asked Mr. Palladino to get into the car?

25 A. He got in the car, yeah.

1 Q. Did you tell him before he got into the car that you were  
2 thinking of murdering him?

3 A. No.

4 Q. You went for a ride with Mr. Palladino, didn't you?

5 A. No. We went to pull out of the parking space and pull off  
6 the street. That's when he pulled a gun. He got a little  
7 scared when we started driving off.

8 Q. You shot him?

9 A. He shot first, I shot him.

12:30 10 Q. How many times did you shoot Mr. Palladino?

11 A. Once, I believe.

12 Q. In the head?

13 A. Yes.

14 Q. And that was your first murder?

15 A. Yes.

16 Q. How did you feel after your first murder, Mr. Martorano?

17 A. Not good. He was sort of a friend. We hung around  
18 together, didn't feel good about it.

19 Q. Well, did you feel like a vigilante?

12:30 20 A. No.

21 Q. Did you feel justified?

22 A. No, I felt that I was -- I felt that he was wrong or he  
23 wouldn't have pulled the gun and started shooting.

24 Q. So this was his fault?

25 A. Yeah.

1 Q. Self-defense?

2 A. In a sense, yeah.

3 Q. What do you mean in a sense?

4 A. He got the first shot off. He almost hit my brother.

5 Q. And so after you killed Mr. Palladino, you didn't swear  
6 off killing at that point, did you?

7 A. I didn't swear on or off, things just happened.

8 Q. Things like that just happened to you, murdering people?

9 A. Well, I started looking for the other guy.

12:31 10 Q. Right. So after you killed Mr. Palladino, you dumped his  
11 body in the North End?

12 A. Yes.

13 Q. Down near the Boston garden?

14 A. Behind it.

15 Q. You threw him in the middle of the street, right?

16 A. Somewhere.

17 Q. You don't remember where you threw your first body?

18 A. Well, it was against the girder.

19 Q. So at that point, you didn't swear on or off killing, but  
12:31 20 you went for your next victim, did you?

21 A. Yes.

22 Q. You kind of swore on killing, didn't you?

23 A. No.

24 Q. No. You knew when you were going to find Mr. Jackson, you  
25 weren't going to have a conversation with him?

1 A. Correct.

2 Q. You were going to kill him?

3 A. Correct, because now I believe what I was told.

4 Q. You believe what you were told simply because  
5 Mr. Palladino pulled out a gun?

6 A. No, because Stevie and Wimpy had heard from good advice of  
7 theirs that they both were saying something, and it looked like  
8 they were telling the truth.

9 Q. So after you killed Mr. Palladino, you decided you were  
12:32 10 going to kill immediately, right?

11 A. Kill --

12 Q. You were going to kill somebody, Mr. Jackson?

13 A. Yeah, I was looking for him.

14 Q. You went looking for Mr. Jackson so you could kill him as  
15 well because he was a threat to your brother?

16 A. Correct.

17 Q. And you believed that it was justifiable to kill on your  
18 brother's behalf if you were helping your brother, right?

19 A. Correct.

12:32 20 Q. So if you would kill for your brother, sir, certainly you  
21 would lie for your brother, wouldn't you?

22 A. Probably.

23 Q. What do you mean probably? Wouldn't you?

24 A. Probably.

25 Q. Well, isn't killing worse than lying?



1 A. Sure.

2 Q. And so if you would kill for your brother, the best that  
3 you can come to is that you would probably lie for your  
4 brother?

5 A. I guess I would lie for my brother if I had to.

6 Q. I don't want you to guess, aren't you certain that you  
7 would?

8 A. Probably.

9 Q. You found Mr. Jackson, and there was no conversation  
10 needed when you found him, was there?  
12:33

11 A. No.

12 Q. Explain to the jury how you killed him.

13 A. Waited for him to pull up in his parking lot behind the  
14 house, shot him with a shotgun through the other side of the  
15 fence I was on.

16 Q. Did you have some help with that one?

17 A. Yes.

18 Q. Who helped you?

19 A. Tommy Deprisco, "Tash" Bratsos and Jimmy Kearns.

12:33 20 Q. Members of Joe Barboza's gang?

21 A. They were friendly with Joe Barboza's gang, you could call  
22 them associates.

23 Q. You called them associates when Mr. Wyshak asked you  
24 questions, right?

25 A. Associates or members close to me.

1 Q. Let me ask you just a couple questions about Mr. Hicks.  
2 We'll get back to him later. Mr. Hicks was somebody you hadn't  
3 even met yet, right?

4 A. Correct.

5 Q. So you would kill people for your brother at that point  
6 and justified it because you were trying to help somebody,  
7 right?

8 A. Correct.

9 Q. And you would kill people by mistake who were silhouettes,  
12:34 10 right?

11 A. Correct.

12 Q. And then you decided that you would kill somebody for  
13 somebody you didn't even know yet?

14 A. Correct.

15 Q. You were doing a favor for Alvin Campbell?

16 A. I was doing a favor for his wife.

17 Q. You weren't killing for Alvin Campbell really?

18 A. I didn't know Alvin Campbell.

19 Q. So his wife asked you to kill somebody, and --

12:34 20 A. No, she didn't ask me to kill somebody, she asked me for  
21 some help for some attorney.

22 Q. I see. She asked you for help for the attorney. Did you  
23 think maybe you could give her some money?

24 A. Yeah, I did. I thought I would give her some money. I  
25 thought that I would try to talk the witness out of testifying.

1 Q. Well, did you give her money?

2 A. Yeah.

3 Q. And then you figured you would talk to the witness and  
4 keep the witness from testifying, right?

5 A. And try to convince him not to testify.

6 Q. Did you talk to the witness and try to keep him from  
7 testifying?

8 A. I talked to him, and I couldn't -- I knew I couldn't get  
9 to the point. He wouldn't do it.

12:35 10 Q. So are you saying today in this trial that you were trying  
11 to talk him out of testifying?

12 A. Yes. I was intending to try to talk him out of  
13 testifying, so when we were having drinks, I never saw the  
14 opening because he was so adamant about testifying.

15 Q. So you didn't try to talk him out of testifying, you were  
16 just feeling --

17 A. I intended to try to talk him out, I never had the  
18 opportunity.

19 Q. I see. You had drinks with the guy, and you didn't like  
12:35 20 him?

21 A. He was a drug dealer, I didn't like him.

22 Q. Because he dealt drugs, was his life worth less than the  
23 other people you killed?

24 A. No.

25 Q. So what does him being a dealing dealer have to do with

1 it?

2 A. I just didn't care for the guy.

3 Q. Did you make it easier for you to kill him because he was  
4 a drug dealer?

5 A. No, it made it easier for me to kill him because he was  
6 testifying against somebody. I always thought that maybe I  
7 could be the guy in jail, somebody would help me if I'm in  
8 jail.

9 Q. So it really wasn't about helping other people, it was  
10 kind of getting some chips together so that when you were in  
11 trouble, someone else would help you?

12 A. No, it was basically trying to help her and him and them.

13 Q. Didn't you just say that you were hoping that if you were  
14 in jail, somebody would do it for you?

15 A. Yeah, not them. Anybody. I said I could be in that  
16 position myself, and I would hope if I was in that position,  
17 that maybe somebody would help me.

18 Q. And help you by killing somebody?

19 A. Helping me by getting me out of there.

12:36 20 Q. Getting you out of there how?

21 A. Any way they can.

22 Q. What are the options? How would they get you out of there  
23 other than killing somebody?

24 MR. WYSHAK: Objection. Speculation.

25 THE COURT: Overruled. He can have the end of this

1 question.

2 Q. How are they going to get you out of there other than  
3 breaking out of jail?

4 A. That's one option they could do it.

5 Q. What's the other one, killing the person, right?

6 A. That's one option.

7 Q. So, Mr. Hicks, you didn't know, but when you did sit down  
8 with him and met him, you didn't care for him because he was a  
9 drug dealer?

12:37 10 A. And he was testifying against people that I heard were  
11 decent people.

12 Q. But you didn't even know those people?

13 A. But I heard they were decent people from the wife that I  
14 liked, she was a nice person.

15 Q. So, you just hear that someone is a good person, that  
16 justifies the killing?

17 A. No.

18 Q. You heard they were good people that you didn't even know  
19 of, and that was enough to kill Mr. Hicks?

12:37 20 A. Plus I didn't like him when I met him.

21 Q. There was a combination of you heard something on the  
22 street that he wasn't a bad guy, Mr. Campbell, and then when  
23 you met this guy for drinks, you didn't care for him?

24 A. Right.

25 Q. And that in your mind, Mr. Martorano, was enough to kill

1 somebody?

2 A. Plus the fact that Bird asked me to help her husband.

3 Q. But she never asked you to kill anybody?

4 A. She asked me for help.

5 Q. I asked you did she ask you to kill anybody, and you said  
6 no, she never asked me to kill anybody?

7 A. No.

8 Q. So she never asked you to kill anybody?

9 A. No.

12:37 10 Q. So when she asked for help, you decided the way you were  
11 going to help her is you'd kill this guy you didn't know?

12 A. Correct.

13 Q. All right. That's not part of being a vigilante, is it?

14 A. I don't know how you would call it.

15 Q. What would you like to call it?

16 A. I don't know what you want to call it. I don't know what  
17 to say it is. It's helping a person who comes to you for help.  
18 That's what I took it as.

19 Q. You tried to help someone who came to you for help by  
12:38 20 murdering somebody?

21 A. I helped them.

22 Q. And so it's justified in your mind what you did?

23 A. Well, I did help them.

24 Q. Is that the honor that you say you talk about, that's the  
25 honor in what you did in these murders, sir?

1 A. That's the way I felt then.

2 Q. And the integrity of the murders, that's what you mean by  
3 that?

4 A. That's what I felt then.

5 Q. Because you would take somebody else's life when you chose  
6 to as long as in your mind it would help somebody in some way?

7 A. That's the way I feel.

8 Q. Even if that person that you're helping didn't even ask  
9 for you to do it, if you felt there was like a little bit of  
12:38 10 help there, it was okay?

11 A. Correct.

12 Q. And so what you did is you did shoot him, right?

13 A. Correct.

14 Q. And you killed him?

15 A. Correct.

16 Q. You've talked over the last day about a bunch of other  
17 murders that you committed, right?

18 A. Correct.

19 Q. Mr. Milano?

12:39 20 A. Correct.

21 Q. And you just told us all that you're the one who pulled  
22 the trigger and shot and killed him?

23 A. Correct.

24 Q. Nobody else shot him, you did?

25 A. Correct.

1 Q. Mr. Plummer?

2 A. Correct.

3 Q. You shot and killed him?

4 A. Correct.

5 Q. Nobody else?

6 A. Correct.

7 Q. Mr. O'Brien?

8 A. I think my bullets hit him. Other bullets were shot, but  
9 I think mine hit him.

12:39 10 Q. The bullets were shot by Mr. Winter?

11 A. Yeah, I think I did it.

12 Q. How about Mr. O'Brien?

13 A. O'Brien, I think I did that, yeah.

14 Q. When you say you think you did, did you shoot at  
15 Mr. O'Brien?

16 A. Yes.

17 Q. Who else was shooting at him?

18 A. I'm not sure that day, must have been Mr. Winter also.

19 Q. Whose bullets hit him?

12:39 20 A. I think mine did.

21 Q. Could you see the bullets when you were shooting them out  
22 of the gun?

23 A. No, but I was aiming at the driver.

24 Q. Who was Mr. Winter aiming at?

25 A. Probably the passenger.



1 Q. When you say probably, were you looking at the driver, or  
2 were you looking at Mr. Winter?

3 A. I was shooting at one, and I think he was shooting at the  
4 other.

5 Q. Are you saying that you're the one who killed everybody in  
6 your bullets because you don't want to get Mr. Winter in  
7 trouble?

8 A. Whether it's true or not.

9 Q. Because you're the one who got the deal from the  
10 government that protects you, so you don't want to expose --

11 A. I wouldn't say he was there if I was trying to protect  
12 him. I said he's here.

13 Q. And so you're the one who shot the bullets that killed  
14 him?

15 A. I think -- ask the people who are forensic.

16 Q. I'm asking you. You were there.

17 A. I'm not a forensic. My bullets hit him, I believe.

18 Q. Okay. Joseph Notorangelì?

19 A. Correct.

12:40 20 Q. Did you kill him?

21 A. Yes.

22 Q. Now, when you killed him, you walked right into the middle  
23 of a restaurant, didn't you?

24 A. Yes.

25 Q. And you had a disguise on?

1 A. Yes.

2 Q. People everywhere?

3 A. Yes.

4 Q. Did you think about the people around before you shot and  
5 killed him in front of them?

6 A. I thought maybe he had a couple of guys in there with him  
7 maybe.

8 Q. Not that you were going to be attacked, did you ever think  
9 about the welfare of everybody else, the risk you were putting  
10 them in?

12:41

11 A. I wasn't putting anybody at risk. Nobody else was going  
12 to get hurt.

13 Q. Did you care that anybody else had to witness your murders  
14 firsthand?

15 A. No.

16 Q. Did you care about the damage you left behind the families  
17 and all those people who had to suffer from your murders?

18 A. Sure, but you can't change it, if that's the way it's  
19 going to be.

12:41

20 Q. You can't change it, but you're in the middle of doing  
21 these killings?

22 A. Correct.

23 Q. You could have stopped at Number 4, couldn't you?

24 MR. WYSHAK: Objection. This is simply argumentative.

25 THE COURT: Overruled.

1 Q. You could have stopped after the fourth one, couldn't you?

2 A. Well, there's still risks, somebody could have got hurt on  
3 our side.

4 Q. Could you have stopped after the fourth one?

5 A. Could have stopped any time, I guess.

6 Q. Right. So you never cared at that time about the  
7 suffering that you put people through who were related to these  
8 victims, did you?

9 A. Yes, I did, but, you know, it just didn't change it.

12:42 10 Q. So when you thought about the suffering, it didn't affect  
11 you enough to stop making more suffering?

12 A. No.

13 Q. James O'Toole, were those your bullets as well that killed  
14 him?

15 A. I believe so.

16 Q. And --

17 A. Well, Joe jumped out and put two in his head, so, I don't  
18 know.

19 Q. James Souza?

12:42 20 A. Mine. Everybody else planned this together. We were all  
21 in the same boat. These are all decisions by the Winter Hill,  
22 the upper guys.

23 Q. Right.

24 A. It isn't like "Whitey" and Stevie didn't get a part of it.

25 Q. Who pulled the trigger, sir?

1 A. I pulled the trigger.

2 Q. Tommy King?

3 A. Tommy King, "Whitey" was with me.

4 Q. And when you killed Al Notorangeli?

5 A. I pulled the trigger, "Whitey" was with me.

6 Q. You not only killed people who are threatening your  
7 brother and people who are somehow attacking you or in  
8 self-defense, when you killed Mr. Wheeler, that was different,  
9 wasn't it?

12:43 10 A. How so?

11 Q. Well, Mr. Wheeler never did anything to you, did he?

12 A. He was trying to put a friend of mine in jail.

13 Q. Did he ever do anything to you?

14 A. Not to me, no.

15 Q. Did he ever do anything to your brother?

16 A. No.

17 Q. He didn't threaten you?

18 A. Callahan was a friend.

19 Q. He didn't threaten you?

12:43 20 A. Didn't threaten me.

21 Q. You weren't defending yourself?

22 A. No.

23 Q. And because Mr. Callahan was going to potentially get  
24 charged with a crime, you thought it would be okay to kill him?

25 A. I wanted to help.

1 Q. And Mr. Callahan was your friend, right?

2 A. Yes.

3 Q. Now, after you had murdered these 20 people, sir, you  
4 spent some time in Florida, didn't you?

5 A. Correct.

6 Q. And, in Florida, you were doing other illegal activity  
7 other than murder, weren't you?

8 A. Gambling.

9 Q. You were gambling and still doing drugs?

12:44 10 A. Not much, no.

11 Q. You were loan sharking?

12 A. Yeah, to people in the sport business, yeah.

13 Q. Were you loan sharking?

14 A. Yeah.

15 Q. You had money on the street?

16 A. Yeah.

17 Q. You had criminals working for you?

18 A. Yeah.

19 Q. In Florida?

12:44 20 A. In Florida -- who do you mean?

21 Q. Did you have people working for you in Florida?

22 A. They were calling, I'll say yeah.

23 Q. Don't say yeah, either you did or you didn't?

24 A. It would be agents. They're from all different areas.

25 Q. Did you have people in Florida working for you?

1 A. Possibly, yeah.

2 Q. And you had people in Boston working for you?

3 A. Yeah.

4 Q. Making illegal money?

5 A. Yeah.

6 Q. And that was supporting your lifestyle at that time,  
7 wasn't it, Mr. Martorano?

8 A. Sometimes, yeah.

9 Q. Well, other than the illegal activities, you weren't out  
12:45 10 getting a real job, were you?

11 A. No, I couldn't.

12 Q. You didn't work 9 to 5?

13 A. No, I was a fugitive. I didn't have the papers to do  
14 that.

15 Q. And that's the reason why you didn't get a real job?

16 A. Partly.

17 Q. Well, before you were a fugitive in Boston, when you were  
18 running around the city killing people, you didn't have a real  
19 job, did you?

12:45 20 A. I was always paying taxes.

21 Q. Did you have a real job?

22 A. Yeah.

23 Q. What was your real job?

24 A. I had a job at Chandler's Restaurant, at Luigi's, at  
25 Duffy's, at Basie Street. (ph)

1 Q. Those are all parts you had ownership interests in, right?

2 A. Yes.

3 Q. It's pretty easy to pay taxes when you have paperwork done  
4 by your friends, isn't it?

5 A. I don't follow you.

6 Q. What were you doing at Chandler's that you were working  
7 hard?

8 A. I was one of the managers there.

9 Q. What were you doing to manage there?

12:45 10 A. Hanging around.

11 Q. Hanging around. Hanging around. So when you were in  
12 Florida, you weren't working for that long period of time, what  
13 was that 17 years?

14 A. Sixteen.

15 Q. Sixteen years without a job, but you had plenty of money?

16 A. I don't know what you mean "plenty" is.

17 Q. Well, did you buy a house?

18 A. Yes.

19 Q. Did you have cars?

12:46 20 A. Yeah.

21 Q. Did you have a boat?

22 A. Yes, once.

23 Q. You had a Winnebago you drove around and traveled?

24 A. Yeah.

25 Q. Supported a kid?

1 A. Correct.

2 Q. Supported a girlfriend or a wife?

3 A. Correct.

4 Q. All kinds of money back home for your family at home?

5 A. Yeah.

6 Q. So, without a job for 17 years, you had plenty of money?

7 A. Correct.

8 Q. You weren't struggling for money, right?

9 A. Correct.

12:46 10 Q. And all the money that you had coming in all those years  
11 was illegal money, wasn't it?

12 A. Correct.

13 Q. And everything that you bought with that illegal money or  
14 everything that you bought was with illegal money, wasn't it?

15 A. Basically, yeah.

16 Q. Well, the boat you didn't have legitimate money for, it  
17 was illegal money?

18 A. While I was on the lam, it was all illegal money.

19 Q. The property at Garden View Terrace, that was all illegal  
12:47 20 money?

21 A. Correct.

22 Q. And the Winnebago, illegal money?

23 A. Yes.

24 Q. The house, all of it, you didn't have anything legal money  
25 whatsoever in your life, did you?



1 A. Before I went on the lam, yeah.

2 Q. I'm talking about when you were down there for 17 years?

3 A. No.

4 Q. And so at some point, the State Police come down in 1995,  
5 and they arrest you?

6 A. Correct.

7 Q. And when they arrest you, they bring you back to Boston?

8 A. Correct.

9 Q. You're charged, Mr. Martorano, with a number of RICO  
12:47 10 offenses?

11 A. Yeah, at that time I was just charged with horse race  
12 fixing.

13 Q. Well, they indicted you on the indictment that you fled  
14 on, which was the horse race fix case?

15 A. Correct.

16 Q. When you came back to Boston after 17 years, you knew that  
17 Howie Winter had gone to jail for that case?

18 A. Correct.

19 Q. And Howie Winter was charged with the same race case that  
20 you were charged with, correct?

21 A. Correct.

22 Q. And, according to the government, anyways, you and  
23 Howie Winter played essentially the same role in that case?

24 A. Well, there was different roles. He was a leadership  
25 role, yeah.

1 Q. He got ten years in jail?

2 A. He got seven.

3 Q. So when you were coming back on the race fix case, in your  
4 mind, you were facing a case in which your friend,  
5 Howie Winter, had just done seven years for?

6 A. I was facing six or seven.

7 Q. You were facing six or seven on the race fix?

8 A. That would be two years.

9 Q. You were facing six or seven on the race fix?

12:48 10 A. At the high limit, yeah. I think I was offered two years  
11 one time.

12 Q. Okay. And while you were in jail on the race fix, then  
13 the Federal Government charged you with RICO indictments,  
14 didn't they?

15 A. They charged me after I was dismissed, then I got  
16 rearrested and then charged.

17 Q. Well, it was a procedural error, they dismissed the race  
18 fix case but then re-indicted you on that, didn't they?

19 A. Right.

12:48 20 Q. So the race fix case was separate from the RICO charges  
21 you were charged with, weren't they?

22 A. I think it was put back into the RICO charge.

23 Q. You had the race fix dismissed, and then you had the RICO  
24 charge?

25 A. Altogether I think they put it.

1 Q. And as you were waiting on the RICO charges, you were  
2 being held without bail?

3 A. Correct.

4 Q. As you were held, sir, you wanted to get out of jail,  
5 didn't you?

6 A. What do you mean?

7 Q. Well, you didn't want to do a sentence or plead guilty if  
8 you didn't have to?

9 A. Who would want to stay in jail if they could get out?

12:49 10 Q. I'm asking you.

11 A. I don't follow the question.

12 Q. Okay. Did you want to stay in jail?

13 A. At what point are you talking?

14 Q. When you were arrested, brought back to Massachusetts,  
15 indicted for RICO and you were being held in jail, did you want  
16 to stay in jail?

17 A. I went for bail and I got refused.

18 Q. Did you want to stay in jail?

19 A. Nobody wants to stay in jail.

12:49 20 MR. WYSHAK: Objection. Asked and answered.

21 THE COURT: I'm not sure that it's been asked by this  
22 witness -- answered as to this witness, Mr. Brennan.

23 Q. Did you want to stay in jail?

24 A. No.

25 Q. And you knew that the Federal Government had spoken to

1 your girlfriend or wife, Patricia Liddell, didn't you?

2 A. At some point.

3 Q. At some point they were going to bring her to the grand  
4 jury?

5 A. Yeah.

6 Q. And you instructed her to lie?

7 A. Probably, yeah.

8 Q. When you say probably, didn't you tell her to lie, sir?

9 A. Yeah, probably.

12:50 10 Q. Okay. And you told her to lie about things that she knew  
11 about you?

12 A. Yeah.

13 Q. Because you didn't want to have her be a witness against  
14 you and get you in more trouble, right?

15 A. Basically I didn't want to see her get in trouble.

16 Q. So, you didn't mind that she said things about you, that  
17 wasn't why you told her to lie?

18 A. I really don't know what the questions and answers were in  
19 the grand jury.

12:50 20 Q. Well, before she went into the grand jury, didn't you  
21 educate her on how to lie?

22 A. Possibly. I don't remember.

23 Q. Well, didn't you explain to her what some of her lies  
24 should be?

25 A. Possibly.

1 Q. And teaching somebody or instructing somebody else to lie,  
2 is that any different than you lying yourself?

3 A. Possibly.

4 Q. How is it different?

5 A. I don't know. Maybe it's the same.

6 Q. So you sat in the Plymouth jail for some time, didn't you?

7 A. Three years, I think.

8 Q. And you were charged with a number of other people?

9 A. Correct.

12:51 10 Q. You were charged with Stephen Flemmi?

11 A. Correct.

12 Q. You were charged with Mr. Bulger?

13 A. Correct.

14 Q. You were charged with Mr. DiDuca?

15 A. DeLuca.

16 Q. Pardon me, DeLuca, and Mr. Salemme?

17 A. Correct. I think my brother, too.

18 Q. Thank you. Also your brother. And as you were down in  
19 jail waiting, sir, for your case, you and a number of your

12:51 20 co-defendants got a chance to share cells and speak and have  
21 conversations, didn't you?

22 A. Correct.

23 Q. And during that time, you were trying to develop strategy  
24 to keep witnesses from the grand jury?

25 A. Probably.

1 Q. Well, didn't you consort with your confederates on how  
2 people could lie to the grand jury?

3 A. I think I did with Dick O'Brien. Stevie wanted him to lie  
4 in the grand jury.

5 Q. Well, it wasn't just that Stevie wanted him to lie, you  
6 wanted him to lie, too, didn't you?

7 A. I didn't know what he would have lied about with me.

8 Q. Well, he had met you before?

9 A. Yeah.

12:52 10 Q. He was giving you money for his bookie operation?

11 A. I don't know at this point what he was doing.

12 Q. You didn't know that he was giving you --

13 A. I used to do years before with him.

14 Q. You didn't know that he was part of your operation?

15 A. I'm not sure if he was recently at that time.

16 Q. Well, you had met him?

17 A. Oh, yeah, that's right, he was with them on rent, yeah.

18 Q. So, when Stephen Flemmi wanted him to lie, it wasn't just  
19 the self-interest of Stephen Flemmi, you wanted him to lie,  
12:52 20 too?

21 A. Possibly, too.

22 Q. So you helped coordinate some of those lies so witnesses  
23 would go to the grand jury under oath and lie?

24 A. Correct.

25 Q. And as you waited down in prison for a long time, at some

1 point, you went to court and started having hearings, didn't  
2 you?

3 A. Yes.

4 Q. And at those hearings, there were a number of motions that  
5 the defense presented to the Court, weren't there?

6 A. Correct.

7 Q. And some of the motions that they presented were motions  
8 to try to dismiss the case?

9 A. Correct.

12:53 10 Q. And you had a good lawyer?

11 A. I had a great lawyer.

12 Q. You had one of the best lawyers, didn't you?

13 A. Yeah.

14 Q. And what was his name?

15 A. Marty Weinberg.

16 Q. And he's one of the best in the state, isn't he?

17 A. I think so.

18 Q. And Mr. Weinberg was trying to help fight your case to see  
19 if he could get your case dismissed, too?

12:53 20 A. Correct.

21 Q. And you patiently waited in jail hoping that you could  
22 beat the charges?

23 A. Correct.

24 Q. And as time passed and litigation continued, at some point  
25 Stephen Flemmi disclosed that he was an informant, didn't he?

1 A. No, the Judge disclosed him as an informant.

2 Q. Before the Judge disclosed it, didn't Stephen Flemmi tell  
3 you down in the jail that he was an informant?

4 A. No.

5 Q. So the first time you learned is when you were in court  
6 and the Judge said it out loud?

7 A. Yes.

8 Q. And Stephen Flemmi didn't come up to you before that and  
9 let you know?

12:54 10 A. No, he denied it even after that.

11 Q. And you were shocked that Stephen Flemmi was an informant?

12 A. Stephen Flemmi, "Whitey" and some other guy.

13 Q. Well, let's talk about Stephen Flemmi right now.

14 A. Well, he was designated as an informant also.

15 Q. I appreciate that, Mr. Martorano. We're going to talk  
16 about that, but I'm talking about Stephen Flemmi right now.  
17 Let's focus on him, okay, Mr. Martorano. So Stephen Flemmi at  
18 some point told you he was an informant, didn't he?

19 A. At some point?

12:54 20 Q. Yes.

21 A. Later down the road, yeah, after he was disclosed in  
22 court.

23 Q. When you learned he was an informant, you were surprised?

24 A. In court.

25 Q. When you learned that he was an informant, you were



1 surprised?

2 A. When he was disclosed in court, I was surprised, when they  
3 were both disclosed, I was surprised.

4 Q. Stephen Flemmi is somebody that you knew well?

5 A. Correct.

6 Q. He's somebody that you worked with closely?

7 A. Correct.

8 Q. Somebody that you stayed in touch with constantly?

9 A. Correct.

12:55 10 Q. Somebody that you had shared phone calls regularly on your  
11 17 years on the run?

12 A. Correct.

13 Q. Somebody that you were hand-in-hand in with crimes before  
14 you left on the run?

15 A. Yes, other than informing, yeah, everything else.

16 Q. Despite knowing him so well and so closely, you were  
17 surprised that he was an informant?

18 A. Correct.

19 Q. And so despite the fact that you were so close to him,  
12:55 20 despite the fact that you knew him so well, despite the fact  
21 that you worked with him, there was no indication to you that  
22 he was an informant before it was disclosed, was there?

23 A. No.

24 Q. And after you learned that he was an informant and you  
25 were down in jail, you started thinking about all of those

1 crimes that you had done with Stephen Flemmi, didn't you?

2 A. Of course.

3 Q. Because after you learned that he was an informant, you  
4 didn't trust him anymore?

5 A. Once there was a common knowledge and he admitted it, how  
6 could you trust him?

7 Q. Right. So you were worried about him. You didn't look at  
8 him like a friend anymore?

9 A. No.

12:56 10 Q. You looked at him like potentially he was a danger?

11 A. Not a friend.

12 Q. You didn't think that he would be looking out for your  
13 best interests, did you?

14 A. Not anymore.

15 Q. You were worried that he could hurt you?

16 A. Sure.

17 Q. And so as you sat in your cell night after night thinking  
18 about your friend, Stephen Flemmi, who was an informant, you  
19 worried that he would do something to benefit him but to hurt  
12:56 20 you, right?

21 A. Correct.

22 Q. You were worried that Stephen Flemmi would be the first  
23 one to jump in the boat over to the government's side?

24 A. Well, I believe the possibility was there, but we had  
25 convinced him that he could go to court and win the motion, the

1 case to be dismissed, and that's what he believed, but after  
2 they were disclosed as informants, I knew he could go in first  
3 and try to go in first, but I wanted to make sure that I got  
4 the correct story across, not his story. I wanted to get in  
5 and tell the truth before him, because with him, it might not  
6 have been the truth.

7 Q. There's a little bit more than wanting to tell the truth,  
8 you wanted a deal, didn't you, Mr. Martorano?

9 A. I wanted to stop him from him getting in and telling his  
10 side of the story.

11 Q. You didn't just walk in the court and say let me make a  
12 statement under oath and I want the truth to come out, that's  
13 not the way it happened?

14 A. No, I tried to work out an agreement with the government.

15 Q. You wanted to make a deal?

16 A. Correct.

17 Q. You knew if Stephen Flemmi went to the government before  
18 you did, you might not get a chance to make that deal?

19 A. Correct.

12:57 20 Q. And as you sat down there in that jail knowing  
21 Stephen Flemmi was a threat to you, all the things that you had  
22 done that he knew about were going through your mind, weren't  
23 they?

24 A. Correct.

25 Q. You knew that Stephen Flemmi could come in and testify

1 about a number of murders you committed?

2 A. Probably would.

3 Q. And you knew that he could come in and he could talk about  
4 a lot of crimes and the violence you were engaged in over  
5 decades, right?

6 A. Correct.

7 Q. You knew he could implicate you in Mr. Wheeler's death?

8 A. Correct.

9 Q. Mr. Callahan's death?

12:58 10 A. Correct.

11 Q. A number of killings before you even met him that you  
12 confided in him that you did?

13 A. Probably, yeah.

14 Q. And so instead of facing a RICO charge or a horse race  
15 charge of five or six years, you knew the future wasn't very  
16 bright for you if Stephen Flemmi beat you to the government,  
17 right?

18 A. Possibly, yeah.

19 Q. That crossed your mind, didn't it?

12:58 20 A. It could have crossed my mind.

21 Q. Don't say could have, did it?

22 A. Sure, it did. It crossed everybody's mind in the case.

23 Q. And so you thought the best way to prevent Stephen Flemmi  
24 from hurting you is to go help the government?

25 A. And everybody else thought the same thing, too.

1 Q. So what you thought when you were sitting there in that  
2 jail is what's my out?

3 A. Well, ultimately I reached out to the government to try to  
4 sit down with them and work out a deal.

5 Q. Before we get to that, I'm going to ask you what your  
6 thought process was leading up to it?

7 THE COURT: Mr. Brennan, given the time, is this a  
8 good place?

9 MR. BRENNAN: Sure. Thank you.

12:59 10 THE COURT: Jurors, we're going to break for the day,  
11 given the time. As always, keep all my cautionary instructions  
12 in mind, keep an open mind, don't discuss the case, and we'll  
13 see you in the morning. Thank you very much.

14 THE CLERK: All rise.

15 (JURORS EXITED THE COURTROOM.)

16 THE COURT: Counsel, anything before we break?  
17 Counsel, can I see you at the sidebar for a moment.

18 (SIDEBAR CONFERENCE WAS HELD AS FOLLOWS:)

19 THE COURT: I just wanted to talk briefly about  
01:00 20 scheduling. I know you probably have some more ground to  
21 cover.

22 MR. BRENNAN: I do.

23 THE COURT: Where is the case going in terms of  
24 witnesses?

25 MR. BRENNAN: Mr. Hafer asked me how long I'd be going

1 tomorrow. I told him as soon as I got back to the office, I  
2 originally thought I'd need at least three hours tomorrow, and  
3 that might be the case. I think I'll have a better idea in an  
4 hour or two. If I had to guess right now, I'd say about three  
5 hours, but I don't want to be committed until I look through  
6 everything.

7 MR. HAFER: In light of that, our plan -- they'll be  
8 both redirect and recross. Our plan would be to have one other  
9 witness today. He's from BPD. William Duggan is his, name and  
01:01 10 he's essentially the witness who will put in a number of the  
11 crime scene photos from the BPD crime scenes. He's probably,  
12 because it takes a bit of foundation, 30 to 40 minutes direct,  
13 which in light of Mr. Brennan's representation, I think should  
14 cover us through tomorrow. I see Mr. Carney nodding, so that  
15 would be our plan.

16 THE COURT: Who's after that?

17 MR. KELLY: I have a lot of smaller witnesses. We  
18 start juggling fairly quickly. We'll coordinate. Simply for  
19 Friday, so I think I'd like to go back and reflect upon it,  
01:01 20 too, and get a game plan for Thursday and Friday. What I'm  
21 hearing, that Wednesday we'd be covered with this witness and  
22 the next one.

23 MR. CARNEY: I'm pleased to tell your Honor that  
24 Mr. Kelly has been very forthcoming in identifying who the  
25 witnesses who will be coming up in the ensuing days as well as

1 the exhibits that will be introduced through that, and he's  
2 been completely a man of his word, that he said he would be  
3 able to let the defense know, and I want to let you know he's  
4 carrying that out.

5 THE COURT: Thank you. And, counsel, I know you had  
6 one issue outstanding with regards to Mr. Weeks. Any sense,  
7 and I won't hold you to an exact date, but in an order of  
8 magnitude when you think you might be getting to him?

9 MR. KELLY: I still think he's a post-July 4th  
01:03 10 witness. We might juggle some things around, but I still think  
11 he's a post-July 4th witness.

12 THE COURT: Anything else about scheduling that we  
13 should discuss?

14 MR. BRENNAN: No, your Honor.

15 THE COURT: Thank you, counsel. We'll see you in the  
16 morning.

17 (Whereupon, the hearing was adjourned at 1:03 p.m.)

18 - - - - -  
19  
20  
21  
22  
23  
24  
25

## CERTIFICATION

We certify that the foregoing is a correct transcript  
of the record of proceedings in the above-entitled matter to  
the best of our skill and ability.

/s/Debra M. Joyce  
Debra M. Joyce, RMR, CRR  
Official Court Reporter

June 18, 2013  
Date

/s/Valerie A. O'Hara  
James P. Gibbons, RPR, CRR  
Official Court Reporter

June 18, 2013  
Date



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